

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

June 12, 2006

7:00 p.m.

Councilman Balbier: "We'll now open the Council meeting. Mr. Fisk, would you take the roll call please."

Clerk Fisk: "Colleen Gallagher."
"Greg Frey."
"Craig Patton."
"John Frey."
"Rich Balbier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Here."
Councilman G. Frey: "Here."
Councilman Patton: "Here."
Councilman J. Frey: "Here."
Councilman Balbier: "Here."
Councilwoman Pucci: "Here."
Councilwoman Brown: "Here."

President Balbier: "Tonight's agenda: Resolution 2006-5, the second reading, Adopting the Tax Budget for fiscal year 2007; Resolution 2006-7, Declaring the necessity of levying and collecting special assessments for certain public improvements; Resolution 2006-8, A Resolution on Youth Sports in Ohio; Ordinance 2006-37, second reading, Amending Chapter 737 of the Codified Ordinances of the City of Brooklyn, Ohio entitled 'Solicitors and Peddlers'; Ordinance 2006-38, the second reading, Creating a new Chapter 763 entitled 'Public Dance Halls; Teen Dance Clubs' of the City of Brooklyn Codified Ordinances in order to regulate dance halls and teen dance clubs; Ordinance 2006-40, the second reading, Authorizing the Mayor of the City of Brooklyn to pay an incentive to employees able to opt-out of medical coverage under the city's medical plan; Ordinance 2006-42, Authorizing the Mayor of the City of Brooklyn, Ohio to enter into a contract with the Northern Ohio Patrolmen's Benevolent Association, the Jailers Unit; Ordinance 2006-43, To proceed with certain public improvements; Ordinance 2006-44, To levy and collect special assessments for certain public improvements; Ordinance 2006-45, Authorizing the execution and delivery of a Cooperative Agreement, Public Improvement Management and Maintenance Agreement, Ground Lease, Sub Lease, Bond Purchase Agreement, and certain other agreements and documents in connection with the foregoing, and authorizing and approving related matters; and other matters that may come before Council. We'll now have the approval of the minutes of May 22nd."

Councilwoman Pucci: "Mr. Balbier, may I be recognized please?"

President Balbier: "Yes you may Mrs. Pucci."

Councilwoman Pucci: "We have two very minor corrections on page 16, 11th paragraph down, fourth from the bottom would probably be easiest. On the left side of the fifth line, instead of 'have' it should read 'that'. And then in the last sentence of that same paragraph, instead of 'seven years' it should read 'seventy years'. I move we approve as amended."

Councilwoman Brown: "Second."

Clerk Fisk: "To approve the minutes of May 22nd as amended, Colleen Gallagher."

"Greg Frey."
"Craig Patton."
"John Frey."
"Rich Balbier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Patton: "Yea."
Councilman J. Frey: "Yea."
Councilman Balbier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Balbier: "Tonight before we start the public session we're going to have our annual report from our two representatives on the Parma Board of Directors bringing us up to date on what's going on in Parma Hospital. And I'd like to introduce Mr. John Bundy."

John Bundy: "Thank you Council. First I'd like our legal counsel for Parma Hospital, Mr. Mike Cassidy, to speak and say a few words."

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

Mike Cassidy: "Well thank you John. And I think the first thing you might say is to offer an apology for Ruth Leahy, who's one of your representative, who has been one of your representatives now I think for about 25 years or more, if I'm not mistaken, who can't be here tonight, I think she's a little under the weather. She certainly planned on being here, and I think has been pretty faithful in coming. But my understanding is she's a little under the weather tonight. I am making my second appearance here with you. I just told the Chief Police, as he was coming in, he said, gee, you're back again? And I said, yeah, I guess I'm turning out to be like Santa Claus, I come once a year. But hopefully I'll bring some kind of gift with me, but unfortunately it's mostly verbal. I'm here sort of to remind you what the relationship is between the city and the hospital. Back about 1957-58, leading members of the Parma Hospital communities got together and decided that this area of the county needed health care, and the provision of a hospital with the communities in the southwest growing at the enormous rate that they were growing. And in or around February of 1958 they formed an agreement. And so I think of 1958 as being the time which the hospital started, although the construction took us well into 1959. But the agreement had the City of Parma providing land and improvements to land on what is the present campus of the Parma Hospital. The city actually at the time owned a huge track of land next to their city hall, and just beyond the ParmaTown Shopping Center. And so they improved that land. They brought in sewers, they built a street through there, and then offered the land to the member communities who signed an agreement with them, Brooklyn being among them, along with Parma Hts. and Seven Hills and Brooklyn Hts. and No. Royalton, to form this hospital. And in doing so the member communities, by population size, contributed sums of money, which they did buying through the issuance of city bonds. And those city bonds were retired quite some time ago. But the initial \$6 million in construction then was provided by the member cities. The hospital has since added about another \$45 million in construction. The land and the buildings eventually belong to the City of Parma. The hospital leases the land and buildings, even though they keep building more with their own money. But really, in the end result, all of this has been paid from hospital revenues. The cities really no longer have any concern about investment or any leverage taken on their millage. When the hospital does go through reconstruction... In fact, we just actually just went through a situation where we just issued \$68 million in bond, it was like refinancing your house. We took all of our debt and lumped it up and traded it off against other bonds and closed old debt. And \$68 million sounds like a lot of money, but we're now doing about \$200 million in revenues every year, so actually we're fairly efficient in our debt. The bonds end up being issued by the City of Parma, but the City of Parma has no real obligation, they're constantly paid for by hospital revenues. So the City of Parma has been our bonding agent over the years. Brooklyn's original investment based on population, I think was the second largest investment in the original \$6 million spent. What do you get out of it and what's your involvement in it today? The hospital is an independent hospital. It's not owned by anybody, it's self-owned. It's a not for profit corporation. Brooklyn's involvement, as the other member communities is, that you get to pick and assign the Board of Trustees. The city doesn't have any further investment in it. But because it is a community hospital, the best way to, and because it's a not for profit, so there's no shares of stock in this corporation, this is one of the shares of stock in the corporation. You get to appoint members of your own community to act as the living, walking shares of the stock in this corporation. And again, although it's independent, it's involvement with the city is only by and through your appointing of their trustees. And these people have their fiduciary responsibility not to the city that appoints them, but to the hospital that they represent. Because the Board of Trustees literally is the hospital, in this kind of formal make-up. These are the people you can turn to when you have concerns. If the members of the city government have concerns about the hospital or how it's running or how it's delivering its health care, it's through these trustees, two from each member city except Parma, who has six, who actually are representatives of you in the operation of your hospital, your community hospital. And so it's on that basis that trustees are to report once a year to the member cities. There actually is a formal report that the CEO of the hospital gives to the mayors. And Mayor, you just attended that. But it's sort of been a tradition here in Brooklyn, and in other cities, that the trustees do appear before Council once a year to kind of update the citizenry, because the CEO's report is kind of tied down to just the mayors, and it seems inappropriate that you don't have your Board members out and talking to the citizens. So we're happy to be here, and John's happy to be here tonight. And I know Ruth has to be disappointed with this illness, because she has a great time when she comes here and talks. But the meeting will be short, I think that's the good news. So with that, John, I hope I've given some outline as to what the relationship between the hospital and the city is, and you can go from there."

Mr. Bundy: "Thank you Mike, that was very informative. And I'd like to tell you a few things about Parma Hospital and what's happened in the past year. Probably the biggest thing was our introduction of a Well

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

Point Pavilion at 303 E. Royalton Road in Broadview Hts. 21,000 square feet of the latest state of the art technology involving MRIs, CT scan, mammography, ultra-sound, digital x-ray, end therapy services and a laboratory. There's also healthy living classes there, as well as at the Health Education Center on State Road. Every quarter we have a magazine that goes out to all the community called Infor-Med, and that is just coming out for the summer quarter. And I encourage you to read that and check the back for classes, and see if there's something that you can attend to help improve the quality of your life. Parma Hospital last year cared for 18,607 patients. That was a 4% increase over the previous year. We've improved the quality of the length of stay. We've reduced that to where you get better attention and you get home quicker, which is a prevailing interest of people who end up in the hospital. We have gotten ourselves involved with the Cuyahoga Community College nursing program, and we have a Cuyahoga Community College nursing program at Parma Hospital. And our commitment goes beyond that. We have the Parma Health Hospital Health Care Foundation, which raised \$60,000 in scholarships for students attending this program last year. We've earned the prestigious Torch Award for business integrity from the Better Business Bureau last year, and we got a five star rating from health grades, and as a top orthopedic hospital in the region. And the hospital, as Mike said, keeps an eye on the bottom line, and keeps our nose to the grindstone. And I'm very proud to work with Mike and the other people from the hospital, I find them all very professional. Thank you. And if you have any questions."

President Balbier: "Does any member of Council have a question? Thank you John."

Mr. Bundy: "Thank you."

President Balbier: "Now we'll move onto the public session. If there's anybody have anything to say for the good and welfare of the City of Brooklyn, please come forward and state your name and address."

Charles Woodall: "My name's Charles Woodall, I live at 6104 Delora. And I'm here in regards to a situation we have with 6114 Delora. We've had police out there numerous times due to loud music, underage drinking, and kids just going wild after hours, after midnight sometimes. And when the police do come out there seems to be nothing done in regards to this. We've had the Safety Director out there, Chief of Police spoke to one of the neighbors over there, and we're still not getting no kind of results. Saturday night, 12:14 in the morning I'm awoken by a bunch of kids outside screaming, yelling, drinking; and when they police came out they talked to a juvenile at the door, and nothing was still done. And we're here as residents to find out what the Mayor and the City Council can do to resolve this matter before our neighborhoods wind up being like the City of Cleveland. And we just want to get some kind of results from this."

Mayor Patton: "Mr. Woodall, our Safety Director Mr. Don Hilberg, Don, raise your hand, if you could please see him after the meeting we will meet and we will look into this matter and take care of it."

Mr. Woodall: "Alright, thank you."

Mayor Patton: "Thank you for coming."

President Balbier: "Thank you. Mr. Kappler, could you check that mic to make sure it's working properly?"

Director Kappler: "Sure I can do that. Test, one, two."

President Balbier: "You just have to speak a little louder if you come up. Does anyone else care to speak? Just talk loud by the mic."

Mary Lee Bowen: "I won't have any trouble with that. Mary Lee Bowen, Tiedeman Road, 4783. I just wanted to bring it to the attention of City Hall and everyone that we're still having a lot of u-turns on Tiedeman Road, to the point where it's extremely dangerous. I'm very concerned about it. I know we've talked about this before. And it's occurring at all times of the day and night. So I would like to bring it to the attention of City Hall again, and to find out what the Police Department or City Hall wants to do about it, because I'm really concerned that somebody's going to have an accident there or be killed. It's gotten to the point where, I live on Tiedeman right across from the Plain Dealer, so when I pull out into that center lane to go south on Tiedeman, if a car passes me, I cannot see it in my blind spot if it just turns quickly and makes a

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

u-turn, and it'll come up behind me. So a couple of times I've almost gotten sideswiped. I look carefully in my rear view mirror and also in my side mirror, but the problem is, you just can't see it in that blind spot. They don't always pull into that little alcove at the Plain Dealer, they sometimes just spin right on, you know, practically two wheels, and just come around. And oftentimes they'll do that right in front of on-coming traffic too. So I think it's an urgent problem, and something that needs to be addressed. There's an inordinate amount of it, especially during rush hour, and that's because they're trying to get off the ramp by going north on Tiedeman when they really want to be going south. And I know that the city has talked about ODOT doing a study to determine if the ramp needs to be made wider and things of that nature; but we have a problem, and we have a problem now. So before anybody gets hurt or killed on that road, I think we've got to address this and start keeping after people, and stopping that. Maybe one of the opportunities is to block off the Plain Dealer entrance there to where people just can't make a u-turn into their lot. But as I said, they're making it right on the street. That street is five lanes, so they can easily just swing around there without even going on the Plain Dealer property. Thank you."

President Albier: "I think one of the answers to that problem, if the state ever decides to make two left turn lanes, to head south on Tiedeman, would help. Does anyone else care to speak?"

Michael Kennedy: "Michael Kennedy from Broadview Hts., Ohio. I'm your Volunteer Energy sales representative for your natural gas program here. I thought I'd come to you tonight now that the heating season is over and show you the numbers exactly how they worked out, for those of you who are on the opt-in natural gas program. There is a little bit of a correction here, but I'll tell you how this number was arrived at. The total savings so far for those that have been on the program since October is \$5.02 mcf. And I think that's pretty substantial. And how we arrived at that, the savings year to date is actually annualized figure. The year to date savings is \$5.02. But if we consider the average homeowner using 114,000 cubic feet a year... It's 5.02 times 114, okay, so it works out to \$172.28 annualized. The \$5.02 figure is exactly what it accumulated to to this point, with three months more left in the period. So I think that's pretty good savings. But I'll bet many of you could remember the day when that used to be your total heating bill for the year. It could have been a lot worse had you been on the East Ohio tariff program. But the program with Volunteer Energy is a guaranteed savings program, so you're not going to lose. And the numbers speak for themselves. I'm going to leave this chart, some copies of it, on the receptionist desk in the lobby. And for those of you who aren't on the program and would like to be, I'll also put some applications up there for you to fill in. There's an 800 number you could call directly if you don't feel like filling in the form, and they'll take down your information in Columbus over the telephone down there. Are there any questions? Yes."

Councilman G. Frey: "Are we getting any closer to the time where we can start signing a little longer term contract for natural gas? I see the wholesale price of gas is down to about, what, 6.25, \$6.50."

Mr. Kennedy: "We're actually near a five year low on the monthly average settle price over the last five years. We were almost at that five year low about two weeks ago, and now it's crept back up I think because hurricane season is here."

Councilman G. Frey: "Hurricanes."

Mr. Kennedy: "But yes, we could fix that price anytime you wanted, if in fact you wanted that for a longer period of time. But going this route, I guess is a little bit of an insurance, seeing as you're going to save over the East Ohio rate. And \$572 a year is a substantial savings. So... But we..."

Councilman G. Frey: "So your recommendation is just keep going the way we are, on a month to month basis?"

Mr. Kennedy: "Well, we've talked about that, and we're still kicking that idea around. I think if we were going to do that we should do it before the first of October, for at least the heating season. Most of the people are using the gas, let's face it, November thru March, or April at the longest. Then once spring and summer kicks in, you know they're using maybe 3-5,000 cubic feet a year for a dryer, a stove, hot water tank. So we want to make sure and do the right thing for the winter. So I think the thinking now on Council's part, and the Finance Director and the Mayor, we've all talked, it's best to stay in this program for now and give

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

the market a little more opportunity to see if it's going to drop. If we're off to a weak hurricane season I believe the market will continue to drop until the winter. But you are welcome to fix it anytime you want."

Director Shaper: "Mike, could you please explain, if I'm correct, that you cannot lock at \$6.50 for the winter, that's a rate that's being offered at this point in time? That that's not, you can't get 6.50 evenly across."

Mr. Kennedy: "That's correct. In otherwords, I cannot go out... June gas right now is selling for about \$6.25 mcf. I cannot go out and purchase all of that gas for you at that price for the next 12 months, unless you have storage capability. Then East Ohio tags on an additional 85 cents to do that. What we're talking about doing, what you want to do I believe, is to purchase a future's contract at a fixed price. And if you look at the future's months, and how the industry prices things out, there's a certain price for every month times a certain volumetric usage for each homeowner, and then that total is averaged out, which is how you arrive at your fixed price. The winter months are still holding fairly strong in the \$10-\$11 range. The winter months just don't seem to be giving up a lot of their strength. And that's what's keeping the futures contract propped up a little bit higher than where we like it right now. There's still some hurricane premium built in, there's still a lot of rigs and platforms that still are not repaired from last year's hurricanes. So we could fix that price, but it wouldn't be at \$6. I'd love to do that."

Councilman G. Frey: "What would it be at? Have you got a ballpark?"

Mr. Kennedy: "I would say approximately right now about \$10. And that's to the East Ohio city gate. You have to add on your East Ohio transportation over and above that, plus your PIP and everything else, so you're talking about another \$2-2.50, depending on where the PIP rocker is. So you're talking about a 12.50 burner tip price. Yes?"

From audience: "Mr. Kennedy, what is the name of this company that you're suggesting would give us that kind of savings?"

Mr. Kennedy: "Volunteer Energy Services."

From audience: "Oh, it's actually called Volunteer Services."

Mr. Kennedy: "Yes."

From audience: "What portion of the population is taking it in Brooklyn? The number of households, or the percent of households... (can't hear)"

Mr. Kennedy: "That figure is between 8-850 residents right now taking advantage of this program."

From audience: "Is that considered... number or...?"

Mr. Kennedy: "For a city this size of Brooklyn, on an opt-in program, I would say that's pretty normal. But if we were to do an opt-out program, where we include everybody in automatically, that would be a very poor number. Because in Broadview Hts., for instance, and I think the size of the cities is fairly close, we're doing a program for them right now, and we've got 4500 people who are still out there on the East Ohio tariff rate that should be on a program like this."

From audience: "Do you have any idea why your rate is so low? Is it just that..."

Mr. Kennedy: "It's the way we purchase the gas, and the local producing companies that we work with within Ohio."

From audience: "...I meant the responses of the residents in Brooklyn... not respond in time or...?"

Mr. Kennedy: "No, you responded in time, the difficult part was the Brooklyn residents were a part of the NOPEC program, and you're still considered a part of that program until Council makes the decision to get out of the NOPEC program, then we could offer that opt-out program to everybody in the city. And I think

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

they're thinking about doing that, but we want to make sure that there are no problems caused by the city. But NOPEC did give most every community the word to go out and construct their own deal if they could find a better one than what was being offered."

From audience: "Okay, well I want to be sure I understand this. You're saying not everybody in Brooklyn was offered the Volunteer Energy Program?"

Mr. Kennedy: "No, everybody in Brooklyn was, and 800 plus residents took advantage of signing up themselves, sending in the card, or calling our office in Columbus to sign up. In otherwords, they had to make the decision themselves to sign up. If we went with an opt-out program, the city would make the decision to include everybody automatically in it, and then if you didn't want to be a part of it we would send you a notice with a post card you'd send back to us saying you do not want to be a part of the opt-out program."

From audience: "Okay, but if we decide we want to become part of it we can do that anytime throughout the year and you're going to have forms..."

Mr. Kennedy: "Yes, I'm going to leave some at the receptionist desk that you can sign up for."

President Balbier: "Yes Mr. Shaper."

Director Shaper: "Council went into an opt-out program with NOPEC. NOPEC made a number of promises. NOPEC did not secure a contract. Council and the Mayor, the Mayor and Council and the Administration said, we cannot sit here and do nothing. At the same time, they did not want to terminate a contract whereby NOPEC would theoretically have the right to sue the city for pulling out of the program. What Council did, what the Mayor did with Council, was state, look, we cannot sit by and watch NOPEC not secure contract, we have to do something. What we're going to do is we're going to bring Mike Kennedy, who has served the city very well on its municipal buildings, we're going to bring him in and we're going to ask him to do what is called an opt-in program. What it means, if you take no action on your own, you stay with NOPEC, who has not secured a rate, and by default you end up with your original supplier. What Council, the Mayor jointly have done is just looked at the residents and said, look, Volunteer is offering to guarantee beating Dominion's rate. It is Dominion, correct?"

Mr. Kennedy: "Yes."

Director Shaper: "What happened was, we are reviewing, again, do we want to drop out of NOPEC? If we drop out of NOPEC totally, we're taking away the residents' rights to stay with NOPEC if they desire to. And we're also stating we have to, quote, reach a contract to do it. It might be worthwhile, it might not be. The reason why it weighs out not to do it is, every resident has the right to receive these savings. And at this point in time, it's different than last year. At last year, when Mike Kennedy made this representation, this was a hypothetical chart. This year when Mike Kennedy comes by, this is, Mike, you have to stand behind it, I have not done the math, that this is the actual savings that a resident has received based on going to this. And the city is doing everything it can to make it easy for a resident to opt-in. That Mike Kennedy wants the business, Volunteer wants the business, this is the way of straddling, putting the city in the best legal position, and allowing the residents to jump in this. The more, the better. There are a number of Councilpeople, the Mayor is with Volunteer. Am I correct Mayor?"

Mayor Patton: "That's correct."

Director Shaper: "One of the problems that you have is, this is a commodity that is affected by everything, and Council, the Mayor, Mayor-Council can make a decision. Gas is volatile. I work at another community, I see what happens when a sound decision is made, allegedly, but circumstances change and all of a sudden you're hanging out to dry. That is why the guaranteed savings is something we pushed for, and Mike has delivered on that."

From audience: "I have one further question. Is this 572 annualized figure, is that an average of the 800 households that have participated thus far in Brooklyn?"

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

Mr. Kennedy: "If you go to the PUCO chart where they list the apples to apples comparison chart, it shows that the average homeowner uses 114 mcf a year. So if I take that \$5.02, which we've saved so far year to date by being on Brooklyn's rate, compare it to the East Ohio rate, multiply that by 114 mcf, that's how we arrive at the 572."

From audience: "So it is an average."

Mr. Kennedy: "So it is an average, right. It's a non-weighted average."

President Albier: "I believe the Mayor wants to address."

Mayor Patton: "Mr. Kennedy and our Law Director Shaper hit upon what I was going to bring up pertaining to, if the price of gas continues to get lower, we would come back to Council, even if it's in the summertime, and ask for legislation to be drawn up for the city to have its own opt-out program. Which means we would be the aggregator, we would control our own gas, and go through the Volunteer Energy people. And that way everyone in Brooklyn would be in this program, and we would again look for the guaranteed savings. If you prefer being with the program that you're on, then you would send your card in and then you would be opting out of the program. But that's the point I wanted to make. And we do hope that the gas continues to head downward, and things become a little bit more affordable for everyone."

Mr. Kennedy: "And by the way, the guaranteed savings, the Mayor is correct, would still apply to an opt-out program. Opt-in, opt-out, we would still guarantee the savings, month over month. Not just year over year, but month over month. Yes ma'am."

From audience: "I just have a quick question. I didn't go into this program, and the NOPEC, whatever, came in the mail within the past couple months, and I didn't answer, so I'm in. Can I get out of that?"

Mr. Kennedy: "You can get out of that."

From audience: "I can, there's no problem. If I decide tonight to sign up for you, because I didn't answer NOPEC and say no I want out of here, I can get out now."

Mr. Kennedy: "Sure you can."

Mayor Patton: "Yeah, can you explain about the release fee? There's a waiver of that release fee."

Mr. Kennedy: "Yes, there is no release fee. Even if you were to come on our program and cancel, we let you out without any fee whatsoever. If you get on and decided the rate was too high, or you don't think you're saving enough, we would let you out of it without any problem whatsoever. Now I hope that's the case with the supplier NOPEC selected, which I believe is Dominion Resources out of Richmond, Va. So we would gladly take you..."

From audience: "The card just came within this past month or so. It had to be... And I didn't understand this one at all, and it sounds very good. I'm glad you were able to present it tonight."

President Albier: "Okay, thank you Mr. Kennedy."

Mr. Kennedy: "Thank you."

President Albier: "Does anyone else care to address... Yes ma'am."

Kelly Nagorka: "Kelly Nagorka, 6111 Delora. I'm here also to represent the citizens of Delora Avenue. There is a problem with this house that Bud was talking about. We all have children, and I'm not intimidated by much, but when there's 15-20 teenagers at a time at that house, that can be cause for a riot. You don't know what they're doing. And the adults can't control what they're doing there. So this is really something that needs to be addressed. We're the taxpayers, we're the voters, and we really need your help."

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

President Albrier: "Like the Mayor said, you can meet right after the Council meeting with the Safety Director, Police Chief, and try to work something out."

Ms. Nagorka: "That's great, I heard that. I just wanted to reinforce that you have six different houses here tonight representing Delora."

Mayor Patton: "Thank you."

President Albrier: "Anyone else? Yes sir."

Francis Gardner: "Yes, my name is Francis Gardner, I live at 4170 Dawncliff Drive. Number one, I'd like to thank Colleen Gallagher for coming out on, or handling two situations we have down there. One is, on the weekend, if there's a problem with an animal, whether it be wild, sick or what, nobody in this city knows what to do. They have people call you and say it's going to cost you this and this, and you know. They're more worried about what they're going to make, you know, removing a sick animal or a hurt animal. There's kids on every street, and an animal that is sick, hurt and scared is going to hurt a kid. And I don't know what you can do to get a program together with an animal warden or something, but something should be done before somebody's hurt. The second thing is, when I moved on Dawncliff Avenue, back on the other side of the CEI lines, and the other side of that grass back there, the water used to flow down that little, I don't know if it's a creek or what it is. It don't flow no more back there. I dug mine out last year. Unfortunately I'm at the lowest house on the street, so I could have a problem, which I do. When there's ducks out there floating, four days after the last rain, this is a problem. There was somebody out there today, and I wasn't home, and my daughter was told, well everything's okay out there. I mean, I was out there in my tractor cutting grass today. If I go in the back there, everything's wet out there. I don't understand. Maybe I don't see the same things they do. But the water used to, where it flowed to I don't know, but it used to flow away. And I know more and more people are having problems with standing water in their basements. My walls don't leak. I get these mysterious puddles all of a sudden. But when I see a lake out back and ducks floating in it, that could be part of a problem back there. The water's not draining off. Thank you."

President Albrier: "Okay. Mr. Kappler."

Director Kappler: "Thank you Mr. Albrier. Mr. Gardner, I was at your house this afternoon..."

Mr. Gardner: "Oh, you were. Okay."

Director Kappler: "I was there. I talked with your daughter. Your daughter was not aware of your problem. I left a message with her to have you call me."

Mr. Gardner: "Well that's my daughter, she didn't have a clue who you were, what you were, or... No card, no nothing."

Director Kappler: "Okay. That is correct, I did not have a card with me, that is my fault. If you're going to stick around for the meeting, Council meeting, I'll talk with you afterwards, and I will meet you there tomorrow."

Mr. Gardner: "I'm going to work tomorrow."

Director Kappler: "When can I meet you out there?"

Mr. Gardner: "Any time after... I go home at 5:00 every day."

Director Kappler: "Okay, I'll meet you tomorrow at 5:00."

Mr. Gardner: "That sound like a good thing, thank you."

Director Kappler: "Okay."

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

President Albier: "Yes ma'am?"

Barbara Paulitsky: "My name is Barbara Paulitsky, I live at 4795 Tiedeman Road. And I also have some questions about animals. Will we, and maybe you can't answer these questions now, maybe you might want to answer me at another time. Will we be getting a dog warden in the future or an animal warden in the future, actually? And what training and certification will a dog warden need? And I also want to say that I admire all those people who've been working so hard to organize an animal shelter; but unfortunately something happened over the Memorial Day weekend that made me want to ask these questions. I felt I didn't want to get involved, but I had no choice. The next question will be, will anyone be employed if the shelter takes place, or will it be strictly run on a volunteer basis? And what certification will anybody that's involved with the shelter have? Will they have a degree in animal behavior, to know anything like that? And then I want to know what's happening right now. Anybody that would say, shelter an animal right now, is there a liability insurance in place right now for anybody who would help to shelter an animal on a volunteer basis, in case that animal bit the person, bit their animal, bit a neighbor? Or would... Say if I was the volunteer, would my homeowner's insurance have to take care of that? You know, if that animal, if I was watching that animal and it did something, is there an insurance in place right now? And if not, will there be when that shelter actually happens? And those are my questions."

Mayor Patton: "Well do you want me to answer now or during my report?"

Mrs. Paulitsky: "I don't care, you know, when I get an answer."

Mayor Patton: "Okay, how about during my report?"

Mrs. Paulitsky: "Alright."

Mayor Patton: "Okay, thanks."

Mrs. Paulitsky: "You're welcome."

President Albier: "Anyone else? Mrs. Ritter."

Paula Ritter: "Thank you. Paula Ritter, 8974 Boxwood Circle, Brooklyn, Ohio. Mayor, President of Council, members of Council, directors. I think my question was answered before the meeting. I feel real sure it was. I ask it not only for myself, but for a couple other people, we were confused as to this issue. When I was at the Finance meeting, which I don't attend, never have attended, I noted that the members of the Committee rejected certain proposals, which of course is their right. My question is this. If the Finance Committee rejects a proposal, does the Council as a whole still have a right to vote on that proposal? Can that still come before Council? And can the Council as a whole vote on what was rejected by the Finance Committee?"

Councilwoman Pucci: "Yes."

President Albier: "Yes they can."

Councilwoman Pucci: "Yes."

Mrs. Ritter: "That's my question, that's my answer. Thank you very much."

President Albier: "Anyone else care to speak? If not, then we'll move on to reports from committees, commissions and boards. The first is the Public Works Committee, and that's chaired by Mr. Greg Frey."

Councilman G. Frey: "Thank you Mr. Albier. At 6:00 this evening we held a meeting of the Public Works Committee. The purpose of the meeting was to get an overview of the fire station construction, the project schedule, what will be happening going forward. Those of you who have been monitoring the progress noticed that late last week they started bringing steel onto the construction site. Today they started erecting

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

steel. That will be going on for the next several weeks. Each of the Councilmembers has an outline of the time and dates of what's going to be done and when it's supposed to be done, according to the schedule that we have at this time. So if you have questions regarding that, anyone of us ought to be able to at least show you that so that you could determine what's going to happen, when it's going to happen. The project is on schedule right now. They anticipate, the contractors have agreed that November, beginning of November, they will be done. They have until January 2nd, I guess, to complete the project; but they think they can be done by November, which should coincide nicely with the delivery of our new hook and ladder truck, which comes in, Chief, when, in September?"

Chief Duchoslav: "It's on the production line right now, I anticipate September."

Councilman G. Frey: "Okay. So that is what's going on with the fire station. Construction will continue through the summer. You'll start to see a lot of progress now. Most of the stuff's that underground has been done, and now you're going to see stuff rising from the ground. The other item that we discussed briefly, and I think Mr. Kappler will probably report on this, won't you Mr. Kappler, is Memphis Villas and the street projects for this year. And Mr. Kappler updated us, and I'm sure when he makes his director's report he will update you on that. And Mr. Albier, thank you, I'm done."

President Albier: "Thank you Mr. Frey. Next is the Public Safety, and that's Mrs. Gallagher."

Councilwoman Gallagher: "No report Mr. Albier."

President Albier: "Thank you Mrs. Gallagher. Next is the Planning Commission, Mr. John Frey."

Councilman J. Frey: "Very short report. There's a Planning Commission meeting on Thursday, June 1st. We had the approval of the minutes, we had a request for lighting services for a sign approval at K-Mart at 7700 Brookpark Road, there was a request from Allied Lighting Services for sign approval for Dollar Tree located at 7430, and there was also a request from Gene Ptacek and Son for a lots split consolidation for parcels 431-13-063 and 431-13-022 located at 7310 and 7328 Associate Avenue, they want to provide for more parking. And there will be a Planning Commission meeting the first Thursday of July. And everybody's welcome to attend, it's at 4:30 in the court house. And that's my report, thank you."

President Albier: "Thank you Mr. Frey. Next is the Rec Board, Mr. Patton."

Councilman Patton: "Thank you Mr. Albier. I have no report tonight, and our next meeting will be the third Monday of September, the 18th, at 6:30 p.m. in the Mayor's Court. And that is because meetings have been suspended for the summer break."

President Albier: "Thank you Mr. Patton. Next is the Finance Committee, Mrs. Pucci."

Councilwoman Pucci: "Thank you Mr. Albier. The Finance Committee met earlier this evening and approved the following legislation: Resolution 2006-5, which is on second reading this evening. I reported on this at our last meeting, and we also had an explanation at our Tax Budget Hearing just prior to the regular Council meeting this evening. Ordinance 2006-40, which is up for second reading. This authorizes the payment of an incentive plan to employees to opt-out of our health care insurance plan. We also discussed this at our last Council meeting. Ordinance 2006-42, Authorizing the Mayor to enter into a contract with the Northern Ohio Patrolmen's Benevolent Association. This is the jailer's unit, which only covers our full-time jailer, this does not cover the part-time people we have working for us. Basically it's the same as the other unions. The raises are 3 1/4, 3 1/4 and 3%. There's a slight change in the insurance, which makes it in compliance with the same insurance that our other unions have. The Finance Committee did not recommend the following: Resolution 2006-7, which declares... These are all connected with the senior housing project. Declaring the necessity of levying and collecting special assessments for public improvements; Ordinance 2006-43, to levy and collect special assessments for certain public improvements; Ordinance 2006-44, to levy and collect special assessments for certain public improvements; and Ordinance 2006-45, authorizing the execution and delivery of a cooperative agreement, public improvement management and maintenance agreement, ground lease, sub-lease, bond purchase agreement, and certain

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

other agreements and documents in connection with the foregoing, and authorizing and approving related matters. That completes my report, thank you Mr. Albier."

President Albier: "Thank you Mrs. Pucci. Next is Domestic Violence and Legislative Update, Mrs. Gallagher."

Councilwoman Gallagher: "Thank you Mr. Albier. The next Domestic Violence meeting is scheduled Wednesday, June 13th at 6:30 p.m. at the Senior Center. And as far as the Legislative Update, from our State Representative Tim DeGeeter. Tim DeGeeter has co-sponsored legislation to protect the public health. A new report, Public Health at Risk – the Dangers Posed by Sewage Pollution in Ohio's Lake Erie Basin, released in April by the Ohio Public Interest Research Group shows that health threatening bacteria, parasites and viruses found in sewage are widely detected in Lake Erie's waters. House Bill 569 requires sewage treatment utilities to report to the Ohio Environmental Protection Agency, the Department of Health, the media and the public when sewage overflows from their system. A co-sponsor of the Bill, DeGeeter said House Bill 569 would better protect the public from the dangers of coming into contact with sewage pollution. Northeast Ohio residents are privileged to have access to one of Ohio's greatest treasures, the Lake Erie waterfront. We need to do our part to ensure the health and safety of all those who enjoy our beaches, and we also need to make them aware of the health risk associated with this type of pollution. Each year billions of gallons of untreated sewage, laden with viruses, bacteria, and parasites are dumped into Lake Erie waters. Ohio Public Interest Research Group's new report reveals the following water quality test results: water testing in the Cuyahoga River in 2000 and in 2002 found infectious diseases in 73% of all water samples taken, with 20% of samples tested positive for Hepatitis A, 50% testing positive for salmonella bacteria, and 44% testing positive for giardia. From 2000-2005, water quality testing at Ohio's Lake Erie beaches found unsafe levels of bacteria in one out of every six tests. Some beaches exceeded the limit, often including the Century Beach in Lorain, which exceeded the limit in 82% of the tests, followed by Camp Perry in Port Clinton, which exceeded water quality limits in 70% of the tests, and Edgewater State Park in Cleveland, which exceeded water quality limits in 50% of the tests. Sewage may also contain toxic substances such as cyanide compounds, formaldehyde and lead which are discharged from industrial facilities. Industries in the eight northern Ohio counties along Lake Erie dumped an estimated 2.6 million pounds of toxic chemicals in the region's sewer system in 2003. These toxic substances pollute Lake Erie's water during sewer overflows. In Ohio, bacterial, viral and parasitic illnesses affect thousands of Ohio residents every year. Data from the Ohio Department of Health shows that in 2003 Ohio residents suffered over 4,000 cases of infectious illnesses that can be contacted from pollutants found in sewage. A recent study conducted (conducted) at one Cleveland area beach found that swimmers who fully immersed themselves in the water were 40% more likely to contract diarrhea, vomiting, nausea or severe stomach ache than those who had no contact with the water. Dr. Amy Joe Sutterlutee, a professor at Baldwin-Wallace College said the thousands of Ohioans contract infectious illnesses each year from contaminants that may be attributed to sewage pollution. She also said sewage overflows contribute to a higher level of bacteria, pathogens and viruses, and the public should be aware of these health threats. The Clean Water Act calls for states to develop systems to notify the public when there are sewage overflows. Currently Ohioans are not informed when sewage overflow occurs. The Ohio Environmental Protection Agency also does not consistently track or record the amount of sewage pollution that occurs throughout the state. That completes my report Mr. Albier."

President Albier: "Thank you Mrs. Gallagher. Next is the Zoning Board of Appeals, Mr. Ockington."

Comm. Ockington: "Thank you Mr. Albier. The Zoning Board of Appeals met Thursday, May 25th in the Mayor's Court to hear three requests for variances. A variance was granted to install an air conditioner four feet from the side property line at 4599 Winter Lane. A six-foot variance was granted to enclose a front porch located at 4421 Roadman Road. And a variance was granted to install an additional free-standing sign at 9600 Brookpark Road. And that concludes my report."

President Albier: "Thank you Mr. Ockington. That completes the reports from committees. We'll now have the reports of Council. Tonight we start with Mrs. Gallagher."

Councilwoman Colleen Gallagher: "Thank you Mr. Albier. Good evening ladies and gentlemen. First of all I'd like to address Bud Woodall, your neighbor called me over a month ago, and the Safety Director was

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

going to do address these issues, which I think he did. I'm sorry your neighbors have to endure these teens. I mean, this is unruly behavior, and there's been drugs, alcohol and loud noise over there. I thought it was being taken care of, obviously it hasn't been. If you want me, I will call a Safety meeting and have all your neighbors come to the Safety meeting and address these problems if nothing's done in a couple weeks. But one thing I'd like you to know, this weekend I picked up a Cleveland Magazine, and I think you should go out and buy one. It's Rating the Suburbs. And as far as safety, there are 66 communities rated in this book, and we are number 61. We're close to East Cleveland, who probably at this point has hardly any police officers working in that community. So I don't know what's going on, but I hope your problem's addressed, and if not, I will call that safety meeting. I also would like to thank Bob Kappler for his response to complaints regarding the flooding in basements on Biddulph, Fairway, Glen Daniel and Orchard. Many residents have been victims of sewage and storm water back-ups in their homes after some heavy rainstorms in the past few weeks. I surveyed a Biddulph home for the second time, which was filled with raw sewage that backed up in their basement and destroyed the recreation room's furniture, carpeting, children's toys and more. Another resident on Orchard lost most of their belongings due to sewage backup. I received since then three more calls, asking me why is this happening. After speaking with Mr. Kappler, I was informed that the county is investigating this problem, and it plans on conducting smoke and die tests, and sending a camera through the sewer lines on Fairway and Glen Daniel. Our city engineer, Doug Courtney, will review the findings and determine the cause, and what the proper course of action should be. I am asking Mr. Greg Frey to call a Public Works meeting and invite the County Engineer to answer our residents' questions. I've read that the Water Infrastructure Network, a group of water and public works association, believes that municipal governments' ratepayers will have to provide up to 12 billion a year for capital improvements in the next two decades to replace aging sewer pipes to meet EPA guidelines. Sewage back-ups endangers the health of hundreds of thousands of Americans and creates enormous repair bills for cities and consumers, and some of our neighbors have personally found that out lately. As local officials, we have been treating sewer as an out of sight, out of mind problem. The results of backed up sewers are increasingly making themselves known in basements in our community. We need to look at the affected areas and start dealing with the problem. At last Council meeting the Mayor accused me of speaking miss-truths regarding the proposed animal shelter. I would like to clear up any confusion and address these accusations. First of all, I stated that the estimated cost of the new animal shelter would be close to a half a million dollars. I'm sorry, but 428,000 in my mind is close to a half a million dollars, and this is obviously a substantial jump from the previous estimation. As for the accusation regarding utilities at the service garage, this is a miss-truth that was spoken by your director to a member of the Brooklyn animal shelter. Mr. Ockington told this individual that utilities would be unworkable at the service garage. His words, not mine. I confirmed the statement with the individual before the Council meeting. And finally, both the Mayor and Mr. John Frey have stated that the animal shelter is being used as a political football. This is absurd. If doing my job up here on Council and speaking up is playing political football, I must be in the wrong job. Last time I checked it was my duty as an elected member of Council to represent the people of Brooklyn. I refuse to be a member of Council who has nothing to contribute for the betterment of our community. That would be negligent on my part, because first of all, people call me with complaints in this city that need to be addressed. And second of all, no one is perfect, and my duty as a representative of the people in question who question our government. I addressed the issue of an animal shelter because I think it is important. There are many people who support the construction of an animal shelter. There are close to five million dogs that are currently in animal shelters across the country. Most animal shelters are at their capacity right now, and routinely deny taking in additional animals. Thus, for those people who think we should combine our resources with another agency, this is a non-workable solution. Our choice right now is to build a shelter or continue to allow Greg Miller to euthanize the stray and abandoned animals in our community. Some people would not have a problem with the euthanization of these animals, but for those people in the community whose family pet might be accidentally euthanized or killed, this is unacceptable. They're a group of caring and compassionate individuals in this city who are willing to bear the cost of care for these abandoned and stray animals with the help from our city. They are raising funds on a daily basis and applying for grants to raise the funds necessary to build the shelter. This is no small task, and I congratulate all the members for their continued dedication. I am confident that the Brooklyn Animal Shelter will raise the funds necessary to build the shelter without requesting Council to pass charter millage to pay for the construction. And for all the members of the community who question the substantiability of the shelter, they need to look no further than the vast experience of the president, Shirley Palumbo, in maintaining the Parma Animal Shelter. She will ensure the continued success of the shelter. I have no doubt in my mind. This group will also work in close connection with an animal control officer to ensure that lost and

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

abandoned animals find a home. Currently our administration will not hire an animal control officer until an animal shelter is built; thus, we are using the services of Greg Miller Animal Control Services. This service has encountered many difficulties and complaints with response time, and is by no means qualified to enforce the animal ordinance in the City of Brooklyn. Thus this burden is falling on our Police Department, who must answer calls regarding barking dogs and stray animals. I'm sure that our fine police officers would rather see these duties placed upon qualified animal control officer. The police do not have the time nor the resources to deal with these problems, and rightfully should spend more time protecting and serving the citizens of the community, like on Delora. Mayor, if you believe that I am pointing the finger and blaming you for dragging your feet, I implore you to prove me wrong. Next, I would like to address the Mayor's appointment for Police Chief. I believe that the Mayor has every right under the current standards to choose who he feels best for the position of Police Chief; however, in making this decision I believe that the Police Chief must be chosen from the rank of Sgt. on the Police Department. Let me explain my reasoning. Those officers who have taken and passed the test for Sgt. are obviously qualified for a management position on the Police Department. They have proven themselves, and have the experience to manage other officers. Those who have not taken the test, or passed the test, do not have this experience. I would find it alarming to set a precedent of this magnitude. Furthermore, Brooklyn is one of the few cities in this county, as well as in the surrounding counties, that does not have a civil service test for the position of Chief. I believe that the position of Chief should be a tested civil service position. This testing procedure would ensure that the Chief's position is not unduly pressured by the administration, as well as the fact that the Chief could make decisions without fear of repercussions from the administration. This is an idea which I believe should have further consideration on Council floor with the input of the Mayor. Mayor, if you can justify to members of Council why this appointment should be approved, considering what I just discussed, please enlighten me. That completes my report."

President Balbier: "Thank you Mrs. Gallagher. Mr. Frey."

Councilman Greg Frey: "Thank you Mr. Balbier. I really wasn't going to talk about that tonight, but I'm going to now. Regarding the Police Chief selection, Mayor, I think that's your selection, and I certainly am going to support who you have nominated. I do not know anywhere in Ohio Revised Code, City of Brooklyn Charter, or anyplace else where it's required to be a Sgt. to be Police Chief. The Sgt's job on the police force is to be in charge of a shift, to, at the scene of a crime tell one officer you direct the traffic, another officer you take the witness statements, another officer you run the evidence tape, or collect the evidence and what not. That is the Sgt's responsibility. It's not a policy making responsibility. The job of a Police Chief is a policy making responsibility to work with the administration to develop the policies going forward at the Police Department. I really have a disconnect with it has to be a Sgt. I just don't buy that as a legitimate argument under any circumstance. Now, I would oppose a Police Chief if I had reason to believe that the nominee was incompetent or unable to serve or what not. I would probably express that privately to the Mayor. If he went ahead with that nomination and I couldn't support it, I wouldn't support it. But Mayor, short of those kind of reasons, I would support who you're going to nominate for Police Chief to have to work with you and for you. They have to help you develop the policies that we need in our Police Department to protect the citizens of this community. I mean, Mrs. Gallagher, I don't know where the information for Cleveland Magazine comes from, okay. I understand we don't give them a whole lot of information, and they draw their numbers from wherever, and put them in their magazine. We've always come out very poor on their safety issues. I suppose it's because of all the shopping we have and the consequent shoplifting charges and car thefts that happen in Brooklyn, the proximity of the interstate highway and the ease of getting into and out of the community. But neither here nor there, safety is a concern for all of us. And a Police Chief that is a part of and a continuing member of the administration is important to me, and it should be important to all of us. I want to comment, I got a call today from Mr. Hadl to ask me to announce or to make comment that the Relay for Life will be happening this weekend, starting at 6 p.m. on Friday at the playing field of Brooklyn High School, the athletic stadium. And it will go through the night from 6 p.m. Friday through the night till noon on Saturday. This is an event that happens every year. Linda Baszak runs it for the City of Brooklyn. They anticipate to raise over \$40,000 for cancer research. It is an extremely worthwhile cause for a community like Brooklyn to raise that kind of money. To raise that kind of money to fight cancer is I think amazing. I commend all those that participate in all events. There will be many events at the track up at the stadium. I urge you all to come out and either participate or at least observe. If you have loved ones that you've lost to cancer, they have luminaries, that they do a luminary ceremony at some point during the night where they put the luminaries out around the track and light them all. It's a very moving kind of event. So

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

come out, see your neighbors, have some fun and enjoy, and help them to raise funds for a very worthy cause. Mr. Hammond, I spent some time with you today over at the ball diamonds, and I had gone over there last week to look at them, and for those of you that haven't, they are coming along very nicely. The dugouts, the concrete pads. There will be a lot less dust over there than there has been in the past. The kids are going to be, they've got dugouts of their own, they're going to be proud to play on those fields. The fences are being repaired and painted as we speak, or were at least during today. So things are coming along very nicely, and the fields appeared to be drafted and ready to go. I think our summer season has begun. How many kids do we have in there, about 400?"

Mr. Hammond: "Yes."

Councilman G. Frey: "About 400 of our young people participate in our baseball program. It's a very lively program for the summer. If you get a chance come out and watch a game. And if you don't have anybody participating it, it's still worthwhile to come out and watch them play the game. So anyhow, congratulations Mr. Hammond, I think you're doing a good job on that. I think it's excellent. And regarding the flooding on Fairway. I will be glad to call a Public Works meeting, but Mr. Kappler, I would hope that at such time as Mr. Courtney gets back to you with whatever results he's going to have, would be the proper time to call one, so that we can announce any proposed things that we need to do, or are doing, to the residents that may be interested in hearing about it. And there are residents over in that area that are very interested in hearing about it. I had calls from people over there, and I know that we were out to, or the Sewer Department was out to put a camera in and check the main sewers. I don't know about storm sewers, I was unaware that we had storm sewer flooding in Brooklyn; but if we did, we need to get on top of those things as best we can, or get the Water Department on top of, or the Sewer Department on top of it. They have a huge budget and we're entitled to clean sewer lines. And I think that's all I have Mr. Balbier, thank you."

President Balbier: "Thank you Mr. Frey. Mr. Patton."

Councilman Craig Patton: "Thank you Mr. Balbier. First of all, I'd like to thank everybody from the city to the school band and all the residents that came up to the Memorial Day parade. This was my first year of actually being involved in the parade, being the rookie on Council here. But it was really a terrific day, and an extremely hot day. It was absolutely brutal out there, but everybody stuck with it. We were there, we had hot dogs, we had water, it was a nice parade. The city looked tremendous, and it was a really nice day. And I hope everybody enjoyed it. This past Saturday I was involved in the CMR walk, the Center for Mental Retardation, which they have at Brooklyn once a year, we start here, the grande pavilion, and we walk through the trails down by Memorial 2 Park, and we walk back up. And Mrs. Cindy Norwood, the director of the walk, it was really well ran again. It was nice to meet, not only some really special people that work hard and do everything that they can do enjoy their day, but also to meet a lot of the workers from our Brooklyn Center for Mental Retardation that's involved in the SAW program, that works at the city buildings here. So I want to thank them for inviting me. It was a great day, and it got me a little exercise. Also, I'd like to comment on the sewer situation as well. I received a few calls, and I did stop out at a few houses, especially off of Fairway and Ridge there. I know that this is a county problem, okay, and our city engineer and our Service Director is on top of it; but I certainly hope, just from what I've seen in some of these houses, I went into a house where they have a couple children, two, three children, and they had raw sewage all over the kids' play toys, the kids have nothing to do, and it is a major problem. Something that is the second time it's happened in the last three years at that house. And in my eyes that's completely unacceptable. Hopefully our friends at the Northeast Ohio Regional Sewer District will definitely step up a notch on this one and make sure this is taken care of, because not only being involved, it's always a tragedy for anybody to have anything happen to their home. But when you're involving kids... And Mrs. Gallagher, you talked tonight about sewage and water and all the bacterias and everything else that's in there, to have kids around in that situation, I can't see how that's acceptable to anyone. So hopefully, Mr. Kappler, you'll have some information on that for us later. Also, I'd like to also... I'm sorry here. Mr. Frey one-upped me here and jumped on the Relay for Life, I was supposed to announce that."

Councilman G. Frey: "Hadl said the more that announce it the better it is."

Councilman Patton: "Okay, I'm going to announce it again then. June 16th and 17th, this Friday and Saturday at the Brooklyn Stadium, 6 p.m. start, and it goes till noon on Saturday. Also, from the service workers to

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

the recreation workers to everyone that's involved in making sure that our parks and recreation, throughout the Memorial parade, the CMR walk, and any other time that I've brought my kids up here or just gone for a walk with my wife through here, our city is looking top notch right now. I think our parks have been really over... The once-over that they've done has been tremendous. I think everyone should start taking advantage. I've said this before in the past. Let's take advantage of the facilities, the programs and the parks that we have here in Brooklyn. Alright? We see at times our grande pavilion, our basketball courts, I'm looking at them right now, that are overwhelmed with people. Those aren't Brooklyn residents. Okay? Maybe about 20% of them are. These are our facilities that we pay for, let's help use them and utilize them. We have tremendous... If you're not into walking or running around the park and hitting the baseball, then get involved at the ice rink and a swimming program, and a karate program. The things that our recreation center and our city offer right now are tremendous and second to none in any city around in Cuyahoga County, alright. So if we can get together and really start using the things that we pay for, I think we're going to benefit for the low taxes that we have, to enjoy the things that we do have here. Also I'd like to read a letter again for support our troops. The thing is, we've seen in the news over the last couple days, I don't think our war is getting any better. We have many, many residents that are over in Iraq right not that need our help. For anything that could be donated, such as travel size items for our troops, for Brooklyn people that we can send over to help them out, please donate them and drop them off at the Senior Center, City Hall, or at the Brooklyn Rec Center. There's a list of specific items that some of our residents need. For donations please call 749-7957, or stop at one of the drop stations. Also, the dugouts, Mr. Hammond, I also saw them, they look tremendous. I think we've done a nice job to make sure that those are taken care of by the time baseball starts. Being on the Rec Board, I know that there are 400, or a little bit over that, involved in our baseball program this year. It's going to be great for our kids. Once again, it's another program that we offer here. And I hope everybody enjoys that. And last but not least, I would like to welcome back Mrs. Rita Brown to our Council."

Councilwoman Brown: "Thank you."

Councilman Patton: "And that is all I have Mr. Albier."

President Albier: "Thank you Mr. Patton. Mr. Frey."

Councilman John Frey: "Thank you Mr. Albier. My report will be very short. I'm not running for anything. I support you, Mayor, on whoever you pick for your Police Chief. The Police Chief and Fire Chief work for you, they should be your pick. If they don't do the job right you pick another one. The toughest job a politician has is the Mayor of a small city. Hardest job in politics, Mayor of a small city. And Mayor Patton, I applaud you for what you do, I support you for what you do. And Mr. Patton, or Mr. Kappler, I want to thank you and the Service Department, they finished planting at Sunset Oval today, and it looks lovely, very nice. Now I hope I can get the neighbors to cut the grass, so... Anyway, thanks for what you do, thanks for what everybody in Brooklyn does to help the city and improve the city. With that, I pass."

President Rich Albier: "Thank you Mr. Frey. I have a couple items. We had our last meeting for the Building Code and Zoning Committee, and we've presented a lot of ideas and made a lot of changes, and Mr. Ockington's going to work on the draft over the summer, along with Mr. Shaper, and then in the fall we'll probably call one more committee meeting to go over all the changes we made, and then we'll have something to present to Council. I also received a lot of calls of flooded basements on Fairway, but I'll let Mr. Kappler address it when he gives his talk. Also, there's a little item I noticed in the paper. President Bush on Memorial signed into law, it says, 'Respect for American Fallen Heroes Act'. And this, I don't know if you read it in the paper, but a lot of time when a service person dies, there's the protesters at the funeral, and the parents have enough grief without having to put up with protesters. So he signed into law that protesters have to stay 300 feet from a national cemetery and 150 feet from the road leading to the cemetery. This is to give the grieving parents some space. And I heartily agree with that, and I'm glad he signed it into law. Mr. Ockington, a couple of month or so ago we passed our licensing program for the rental properties. How are we doing with that?"

Comm. Ockington: "The effective date of the ordinance was June 8th, and we are in the process of sending out license applications to known rental dwelling unit owners. I'll finish reading my statement, because that was..."

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

President Albier: "That's one of your things?"

Comm. Ockington: "It is my thing."

President Albier: "Well then just hold it, you can talk whenever I get to you. I'm sorry. I don't want to take away all your material. And also, Mr. Kappler, would you bring, I know you did at the Finance meeting, but for the public, would you bring us up to date on Memphis Villas paving?"

Director Kappler: "Would you like that now or in my report?"

President Albier: "Now, but not the long version."

Director Kappler: "You want the short one."

President Albier: "Yeah."

Director Kappler: "Through repeated conversations with the city engineer and Konstruktion King, which is our prime contractor, they have contractor Shelley Paving coming in tomorrow to finish Memphis Villas, and also do Springwood. It's a two-day project, but by Wednesday evening, all asphalt and city repairs on the streets we contracted out will be completed, weather permitting."

President Albier: "Thank you. And I hope everyone that's called me, especially the woman that's going to have a wedding on Friday, heard this. And that's all I have. Mrs. Pucci."

Councilwoman Kathy Pucci: "Thank you Mr. Albier. Good evening. First I'd like to offer my deepest sympathies to the Enovitch family on the loss of their granddaughter Grace. This family has suffered a lot of loss this past year. Their son, their father, and now their granddaughter. So our prayers and thoughts are with them. I'd like to thank John Bundy and Mr. Cassidy for coming and updating us on Parma Hospital. And John, thanks for all the work you do on our behalf, and also Mrs. Leahy. And also, congratulations to Parma Hospital on still being able to remain an independent hospital. That's really something in this age of, you know, all the other facilities joining in either with the Clinic or University Hospital. I'd also like to thank all the participants in the Memorial Day festivities. I wasn't able to attend this year. We had a death in my family, my aunt passed away that weekend quite suddenly. But I heard a lot of comments from residents that both the parade and everything in the park was very nice. I received a call from Mrs. Sutton at the Westbrooks who requested that I clarify the procedure for the distribution of our rec books at the Westbrooks. And I did speak with Chris Dress today, and she's going to pass this along to the cashiers, in case they're asked. The office of the Westbrooks have received our rec books from the city. They're placing them in the inner lobbies for interested residents to take, and once they see the supply getting low they're replenishing them. They also have them available in the Westbrook office, and they are including them in their new resident packets. Mrs. Sutton apparently got some calls from a few of her residents over there that were under the impression that they were going to physically drop them at each apartment, and they do not have the resources to do this. I asked her if she felt that the residents who were interested in the books were getting them, and she assured me that yes they were. I did receive some calls about flooding from residents on Sunny Lane, and Mr. Kappler is going to expand on that a little bit in his report. Chief Duchoslav, could you give us an update on where we stand on the proposed executive officer position in the Fire Department, Assistant Chief?"

Chief Duchoslav: "Currently right now, along with Mr. Shaper following his recommendation, I approached the union for a certificate, certification amendment to certification paperwork that basically states that that position would be a non-union administrative position. That's currently under review by the union. And I anticipate as early as tomorrow, if the president is working, I didn't check the schedule, I expect some results. I can let you know if..."

Councilwoman Pucci: "Okay, sure. Now are we going to be able to apply for any grants in the next year, if we don't get this in place?"

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

Chief Duchoslav: "Actually..."

Councilwoman Pucci: "I know I thought at one point the deadline changed."

Chief Duchoslav: "Actually, it's actually a little bit more involved than, you know, just our city, it's actually countywide now. And I was discussing this with the Mayor today, two days I ago I received notification from the county that all the cities have been encouraged to become NIMS compliant. That is an enormous project that we've been working on. We are ahead of some cities in a lot of areas with our training, our certification, things like that; however, with that position of Assistant Chief, and command structure, Lieutenants, things like that, span of control, it's an all encompassing standardized national way of responding to emergencies. We have to move on that, yes, in order to qualify."

Councilwoman Pucci: "Okay."

Chief Duchoslav: "That's in a nutshell."

Councilwoman Pucci: "Right, I understand."

Chief Duchoslav: "The requirements are about that thick."

Councilwoman Pucci: "I understand. Regarding the study on regionalism, have they started that yet, do you know, or the one that we're going to participate in with Baldwin Wallace College?"

Chief Duchoslav: "There was a meeting, oh, a few weeks ago, and it was just basically an organizational meeting."

Councilwoman Pucci: "Okay. Are you going to be representing us on the committee?"

Chief Duchoslav: "At this point no. Oh, I will represent us, I haven't been appointed to a board yet. It was just determining which boards were going to be created."

Councilwoman Pucci: "Okay, but you will be participating?"

Chief Duchoslav: "I hope so."

Councilwoman Pucci: "Okay, thank you very much. To the Delora Avenue residents, we need to get your situation resolved. And just a reminder to everybody, we do have in place that nuisance ordinance. So if after several visits by our Police Department, if the issues are not being resolved, we can invoke the provisions of that nuisance ordinance. So Mr. Hilberg, just so you're aware of that, because I think that was done before you became Safety Director. So let's get their problem taken care of. To Mr. Gardner on Dawncliff, several years ago there was a problem, and we did get that gulley cleaned out. I know we contacted CEI. And I don't know if they had a contractor or if we had our own people; but when we had the problems with the West Nile, and we had all that standing water, that was part of the problem back there, and I know that we did get it cleaned out. So I'm sure Mr. Kappler will look into it and see what we can do, 'cause the last thing we want is standing water back there, especially where it's, you know, just so open and marshy. We don't want to attract mosquito breeding. Regarding the Police Chief, I did hear from residents an announcement was made, and I have not seen the announcement myself. But just a reminder, since Chief Murphy's retiring after our last meeting in June, we'll need to schedule a special meeting sometime over the summer to address that matter. Regarding the troop donation, Donna, do we have this on our website? Because it might be a good idea to list exactly what they're looking for..."

Mrs. Thompson: "It will be added tomorrow."

Councilwoman Pucci: "Okay, great. I just think so many people I think now are getting more used to going to the website for the information, I think we'll get, we'll reach more people if it's on the website."

Mrs. Thompson: "Absolutely. Any input you can give me, I'll put everything on...added. Thank you."

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

Councilwoman Pucci: "Okay, thanks. Regarding the Backyard Fun, I hope those are residents out there, Mr. Patton, because after 5:00 it's for residents. Are we enforcing that, Mr. Hammond, do you know? That after residents, do we have people..."

Mr. Hammond: "Yes."

Councilwoman Pucci: "...out there after 5:00 to..."

Mr. Hammond: "Yes we do."

Councilwoman Pucci: "Good, thank you very much. Because that really avoids a lot of the problems that we saw, not last year, but the year before that."

Mr. Hammond: "Mr. Palcisko is in charge, he's the man."

Councilwoman Pucci: "Okay, thank you. And I would just like to say welcome to Mrs. Holop, we've missed you at our meetings, and it's good to see you again. That completes my report, thank you Mr. Balbier."

President Balbier: "Thank you Mrs. Pucci. Mrs. Brown."

Councilwoman Rita Brown: "Thank you Mr. Balbier. Mayor, I want to be included in that meeting tonight on Delora. This is my precinct, I'm only two streets away from you. I am always home, I always answer the telephone, I always respond to the residents' requests. You have an alternative. Mrs. Gallagher, of course, is very efficient, and she's younger than I am. But I'm surprised I haven't received more calls. But I do want to be in on that meeting. And I am also on the Safety Committee. And if Mrs. Gallagher calls a Safety Committee meeting on this problem, I am with her all the way, and I'm sure that Mrs. Pucci is also. Also Mayor, I know nothing about a nominee for Police Chief. This must have happened when I missed the meeting. Could you fill me in?"

Mayor Patton: "I will during my report."

Councilwoman Brown: "Okay. Next, Colleen's health report. You know, it's a shame that we have this beautiful Lake Erie, and the City of Cleveland and Metroparks and the county all working to beautify our area, and we have a lake that we can't go into. And that is a shame. I did not receive any calls on flooding, but I'm on the other end of the city, so I'm not surprised that no one has called me. They call the Councilpeople closer to their area. And as far as I know, Mr. Kappler, have we had any flooding on the east side? East side of Ridge Road?"

Director Kappler: "You had one house call on Northcliff."

Councilwoman Brown: "Oh, for flooding?"

Director Kappler: "Yes, and one on Taunton, which is, I don't have that address in front of me."

Councilwoman Brown: "Okay, I'll check with you on that tomorrow."

Director Kappler: "Okay."

Councilwoman Brown: "Okay. And the majority of my calls have been on high grass. And you know, it's very interesting then that we have from our resident tonight asking questions about an animal officer. We have tried, let's see, how many years now Colleen, trying to get an animal officer? A couple of years, isn't it? We haven't given up. We're spending an awful lot of money on this, I think his name is Greg Miller, out near Solon, as an animal control officer, and we need one right here at home. And I hope we get some action on that. The city is, I agree, looking beautiful, but I'll tell you, people have told me they would rather see the holes in their street fixed than flowers around a sign. There's something else, I'm going to run it by you now, although I think there's going to be a lot of activity when it comes up in legislation; so you people who leave

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

when the legislation comes on, I'd advise you to stay. And this is ordinances that we are going to have to agree to for the senior facility to get moving. And I'm going to tell you that I'm very ambivalent about it. For one thing, I want to see a senior facility here. We've been fooling around with this thing for years and years, and more and more residents have asked me when are we going to get senior facilities here. On the other hand, we only have one developer who has been trying to get the senior facility moving. On the other hand, the city, I understand, will not be held responsible, no financial responsibility... You're going to hear more about this when you hear the official things coming up. I just want to tell you how I feel about it. I have only had one negative resident complaint on it, and that's because the person lives close to where the facility is going to go. I can take my choice of listening to a very conservative bond counsel, or I can listen to another reliable bond counsel. And I'll tell you folks, I'm between a rock and a hard place here. And I want to do what's best for our citizens and for our city; and I'm not going to tell you now what my vote is going to be, I'm just telling you that it has been very, very difficult for me. And that completes my report."

President Albier: "Thank you Mrs. Brown. That completes the reports of Council, we'll now have the Mayor's report."

Mayor Ken Patton: "Thank you Council President. First off, thank you to John Bundy, Mike Cassidy and Ruth Leahy for their report from Parma Hospital. We have a very good relationship, and look forward to continuation. Pertaining to Barb Paulitsky, some of your questions that you asked pertaining to training, certificating, when to hire the warden, things of that nature. We have a verbal agreement with the Brooklyn Animal Shelter timeline; and under Article #3 it says, 'Architect to be hired to prepare the conceptual drawings. Cost is \$18,000 and this step will not take place unless Brooklyn Animal Shelter has \$18,000 in escrow. The cost will be split between Brooklyn Animal Shelter and the City of Brooklyn.' Under that there's notes, at Step 3, which I just read. 'Prior to the final design phase, the Mayor will interview for animal warden, so that he can, he or she can be included in the final plans. The new employee will start work with the City of Brooklyn three to four weeks prior to the completion of the construction.' That is why we wait. 'It is understood that City Council has committed \$56,000 for the project. This does not include any inflation costs.' And all of this is in writing, everyone's welcome to a copy. Also, at Step 3, when Brooklyn Animal Shelter needs to have \$18,000 for their project, they will need to have this money put into escrow and issue some form of commitment for the remainder of the \$56,000 promissory note or letter. That's where we stand. The City of Brooklyn will accept, nor has no responsibility, for any animal that you shelter at this time. We have a contract with Greg Miller to handle the animal calls. If you have an animal that was not, I'm certain Mr. Miller would not give you an animal to shelter, it's not in our contract. So if there's a problem at that time, City of Brooklyn would hold no liability whatsoever, Barb."

From audience: "And neither do the volunteer group that are putting together when they ask me to shelter an animal?"

Mayor Patton: "I cannot speak for them."

From audience: "Okay, so do they have insurance, that's my question."

Mayor Patton: "Okay, that has to be with Shirley or Lisa. And also, I did donate \$80 for the Brooklyn Animal Shelter's fee for Home Days. Okay, I'd like to thank the Laurel Garden Club, number one, for the roses they planted at Cpl. Knight Commons, and that was a donation of over \$400; and also for planting the stars which are around various city buildings. They do a good job, and they just had a very successful tea. We are a new member, the newest member, of the First Suburbs Consortium. Our number one goal is to work on economic development, along with the sewer problems and things like that, that many older, first-ring suburbs are experiencing. So we're going to get very busy with that throughout the summer. And also, we will be featured in Insight Magazine, it has to do with economic development. They came in today and they're going to do an article on the City of Brooklyn's progress. I, along with our Fire Chief, attended the fire regionalization meeting at BW, and their approximate time set forward at this time is a year and a half before they get back to us. There's plenty of funding that still must be put in place for that project. I'd like to thank Mr. Wolf and the students from the Brooklyn Middle School for their clean-up of Knight Commons. That happened on the 23rd of May. Congratulations to all our youth soccer players who received their medals the other night. And Mr. Hammond, you ran a great program, along with the Baker family, Gerard and Maria. I want to thank the third graders for inviting me over to Brookridge for a government talk. And also

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

we met with Friends of Big Creek pertaining to potential trails, which are going to come through the City of Brooklyn, should things work out. Congratulations to two of our Board of Health members that have retired. BJ Meder and John Romano have retired from the Board of Health, over 30 years. It's kind of hard to believe it went so quick. Thank you to Bud Armstrong for putting on the safety talk the other night. And again, Memorial Day was just fantastic. It was exceptionally hot. Thank you to everyone who was passing out water. And Al over there on Ridge always hands me a bag of popcorn when I go by his house. Brooklyn High School band, you're exceptional, as usual. Thank you also to all who participated. Coffee with the Mayor will be, I was going to say September, it's June 27th at 9 a.m. over at the Senior Center. And if you need more information on that, you can call the Senior Center. Please, if you did have any flooding or backups, please contact our Service Director and let him know. This is going to help the county, it's also going to help our city engineer in evaluating the problems with the volumes of flow. So it's very important that you do call in. One more time for the Relay for Life. It's Friday at 6 p.m. it starts. Everyone is welcome. We do a lap around. And again, everyone's welcome to participate. Obviously it is a fundraiser for the American Cancer Society. And at this time I'd like to thank Greg Frey and Craig Patton who will pay 1/3, along with myself, for the survivor dinner. Thank you gentlemen. Congratulations to Councilman Patton. He's a proud daddy of a four month old black Labrador Retriever, and he looks like he's going to be pretty big. Mr. Fillipou donated \$175. This is the father of the young man who passed away at Brooklyn High School while attempting to play baseball, he was a senior. They did put a honorary degree for him graduating from Brooklyn High School. And the senior class, along with the junior class, donated a \$400 plaque, we put it on the rock over there. I donated the tree, and Mr. Fillipou donated \$175 which will purchase the bench. Please join us for an opportunity to meet the finalists for our High School Principal vacancy. Jeff Lampert, our Superintendent of Schools invites everyone to Candidate's Night for Principal, and that's Thursday, this Thursday at 7:00 over at the Brooklyn High School auditorium. And the finalists are Al Marcinek and Marcia Miller. And you will have the opportunity to answer questions from the interview team, and accordingly all persons in attendance will have an opportunity to provide feedback for each candidate. Thanks to Cindy Norwood. Again, I was honored to be the Grand Marshal for the CMR walk, Baker's Walk. And for more than 40 years the Center for Mental Retardation has been an independent advocate, fighting for the basic needs, safety and rights of children and adults with mental retardation and/or developmental disabilities by helping families secure support, services, financial assistance, housing, employment, health care and much more. Thank you, it is a very good thing, and we hope you come back to Brooklyn every year. I had a very sad Saturday. I went over to Brookpark Road across from Chevy Blvd. where the Reserves are for the deployment of soldiers. And about 150 soldiers from Brooklyn, the 256th Battalion Combat Support Hospital Bravo Company are leaving for Iraq to fight for freedom of Iraq. And they are being placed into 399th Battalion to supplement that hospital unit. So we wish them well, and God speed. I was not going to bring this up tonight because my Chief is Jack Murphy until July 14th. I respect Council's opinions. They have rights to accept or refuse my nomination. I did think it was going to be a Sgt. I told Rich Balbier that. I had to continue interviews. Well it wound up that the person I chose is the most senior man on the department, Mark Tenaglia. He spent 10 months in Vietnam, he was awarded the Bronze Star two times, the Army Commendation medal three times, Air Medal, Vietnamese Service Medal, Vietnam Campaign Medal, National Defense Service Medal, Good Conduct Medal. And he's been on our department in various capacities for 33 years. And again, he won't take over until July 14th. I feel he's an excellent person to lead our department. I will answer any questions Council may have when the time comes; but until now, Chief Murphy is my Chief. And I will notify Council when the time comes. And that's my report, thank you."

President Balbier: "Thank you Mayor. Next is the directors' reports. The first is the Finance Director, Mr. Fisk."

Director Fisk: "Thank you Mr. Balbier. Just two quick items. Income tax collections are \$235,948 ahead of last year. Collections have increased from \$5,570,000 to \$5,806,000 as of May 31st. This is an increase of 4.2%. The mid-year review will be prepared and presented to City Council on June 26th. And that's all I have."

President Balbier: "Thank you Mr. Fisk. The Service Director, Mr. Kappler."

Director Kappler: "Thank you Mr. Balbier. On June 3rd the city held their auction at the service garage, and final totals were we made \$32,852 was turned over to the Finance Department. That's the good news, now

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

I'll start the rest of the report. On June 4th, approximately 4-5 a.m., a week ago Sunday, we received a substantial rainstorm in the City of Brooklyn. If you called the service hotline to register a sewer call, you talked to me that day. I received two calls on that line. What we got is, as far as rainfall, was approximately, this is still estimates, it's very substantial, you're looking at 3-4 inches of rain in an hour period of time. The county was out, I met the county on Ansonia approximately 10 a.m. on Sunday. It was the foreman that was out, he was bringing his crew into Brooklyn, and responding to sewer calls. The information I now have is the county has televised some sewers, clean, jetted and televised some sewers, and they're classifying it as main line overload. Now to verify that, I have the city engineer involved, who's going to be checking with Regional Sewer, who keeps track of rainfall and the data, to find out exactly how much rain came down in the City of Brooklyn between 4-5 a.m. on June 4th. That, and all the reports that the county have, on the sewer calls that they made the week, last week, from Sunday to Saturday, is all being forwarded to Doug Courtney for his review, to come up with a solution. Now, it's taken me a week to get the information from the county, it's going to take the Courtney firm longer than that to come up with, to find out if there is a problem area, and to determine what the solution should be. In regards to members of Council's questions as far as a Public Works meeting, as soon as I have the information I will let Greg Frey know, and we could possibly have a public meeting if he requests it. Next thing I'd like to report on is Memphis Villas. I touched base on it a little bit earlier. There was a, our city engineer was involved in a problem on Memphis Villas approximately a month ago. The subcontractor for Konstruction King is Shelly Paving. His foreman had decided that he was going to be paving on a day that it had rained the night before. Our city engineer got involved and before Shelly contacted him, Shelly had already asphalt trucks, paver, all the equipment was on Memphis Villas to pave. Doug Courtney did not allow him to start paving because in his opinion there was too much moisture in the ground. Now everyone knows that if you put asphalt over wet ground it's not going to stay, it needs to adhere to the base coat. The foreman from Shelly Paving was upset we refused him to basically complete the job with moisture in the ground, and pulled all his equipment off, and basically said, okay, we'll get back to you when we can. Now there was a timeframe when we would ask questions and they'd say we're coming in next week, we're coming in next week. Well when they wore out that excuse, then I had words with our general contractor, Konstruction King, and he explained to me that he understands the problem, and he's the one that relayed to me what Shelly was doing. And I said, well that's no excuse, you're our prime contract, either come in, get a paving, get Shelly to pave it, get someone to pave it, you're in violation of our contract. This was back way last week. I told him I wanted it paved before Council meeting, so I'm going to have to have this in my report. That didn't happen. I got together with the Law Director, we sent a letter to Konstruction King, registered mail, letting him know that he was in violation of his contract, and also, it wasn't in the letter, but I have also held payment for Konstruction King, until the asphalt goes down. Now Shelly, Konstruction King, Doug Courtney all had a meeting today, they met out on the job site; Konstruction King came in, started cleaning up Memphis Villas so they could get ready to pave. They've guaranteed me it will be paved tomorrow, completed on Wednesday. And if no one has any questions, that's going to complete my report."

Councilman J. Frey: "I have a question."

Director Kappler: "Uh-oh."

Councilman J. Frey: "Mr. Kappler, it appears as though one... I can't see you either, so stand up."

Director Kappler: "I'm right here."

Councilman J. Frey: "It appears as though one layer of asphalt has been laid between Outlook and Williamston on Memphis Villas."

Director Kappler: "That is correct. That's a part of a base coat. The whole street will get that basecoat, then they'll put a top coat on. That was done prior to... When the job got shut down because of wet pavement, that section had already been paved."

Councilman J. Frey: "Alright, thank you."

President Balbier: "Thank you Mr. Kappler. Next is the Building Department, Mr. Ockington."

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

Comm. Ockington: "Thank you Mr. Balbier. The Property Maintenance and Licensing Ordinance effective date was June 8th, and the Building Department's in the process of sending license applications to known owners of rental dwelling in the City of Brooklyn. As a new ordinance with enactment delays, applicable late fees will not be imposed on applications received prior to July 17, 2006. If you own rental dwelling units and you did not receive an application, or if you're aware of rental property that is not properly licensed after July 1st, please contact the Building Department at 216-635-4203. And that concludes my report."

President Balbier: "Do we have all of the forms drawn up, the licensing and so forth?"

Comm. Ockington: "Yes."

President Balbier: "Okay, thank you. Next is the Police Department, Chief Murphy."

Chief Murphy: "Thanks Mr. Balbier. I just wanted to address this animal issue here with this, obviously somebody has a problem with Mr. Miller. We've dealt with him for the past few years, there's been nobody's pet that has disappeared in the area, that Mr. Miller is out there skulking around trying to kill stray animals. I don't know what the problem is with this guy. He, dealing with Mr. Miller, and on a basis of approximately \$24,000 a year, would be 20 years as compared to what it's going to cost us for an animal shelter, which the city doesn't need, in my opinion. And that's my report."

President Balbier: "Thank you Chief Murphy. Chief Duchoslav."

Chief Duchoslav: "Thank you Mr. Balbier. Good evening everyone. I have two items. The first is an invitation to all of Council again, the Southwest Emergency Response Team technical rescue, their rope rescue division, is practicing down in the Metroparks off of Memphis Avenue. They did today, they're going to be there tomorrow and Wednesday also. A good time to show up, if you'd like to, or give me a call to escort you, would be between 10:30 and noon. And it's going to be high line rescue. Actually using ropes to access places ordinarily you wouldn't be able to. Someone falling off a cliff, things like that. And I usually don't tell war stories, but Mrs. Pucci, you brought up about regionalization, the NIMS compliance and everything, and you think why would a city like Brooklyn need that type of a structure. Monday, a week ago, Monday the 5th, and Monday mornings are tough usually, but at 8:30 in the morning approximately we received a call of a bus out of control and hit a wall on I-480. We responded, and there were 55 seniors on this bus. The driver had lost control and was weaving in and out of traffic and slamming against the median. It finally came to stop. What we term this as is a mass casualty incident. There were 55 people, there were 23 injured people. I utilized our two rescue squads, two from Parma Hts., one from Parma, two from Brook Park, one from Berea, and a Cleveland EMS squad, and also a supervisor from Cleveland showed up. And it took about an hour and a half to clean this up. Fortunately none of the injuries were what I would term as critical and serious; however, it did need attention. To transport that many people, to stabilize them for the hospital, did take some time. I was in contact with Parma Hospital, I was in contact with Metro Hospital, and different things like that, just to make sure that we weren't going to overload their emergency room. It went rather smoothly. The only thing was a bump that was a road block or a hurdle that we had to overcome was communications. I could talk to Parma and our squads, and that was it. I had to go through police dispatch, which did an excellent job, as far as notifying the other squads and relaying information, things like that. And that's my report."

President Balbier: "Thank you Chief. Law Department, Mr. Shaper."

Director Shaper: "There's going to be extensive conversation coming up regarding the Brooklyn Ridge Senior Housing Development. And there is going to be discussion about it. I'm going to make some representations, and I'll want to make sure that I say these things right. So Mr. Young, and Mayor, if I say anything wrong here, please set me straight on this. There is a technical point that has come up with respect to financing this project, regarding an assessment. I want to say this. Bond counsel is a very specialized field. There are a limited number... You see advertisements on TV every day for attorneys. You don't see advertisements for bond counsel. Bond counsels are very small in number, very expensive, they don't need to advertise. This situation, initially our bond counsel for the City of Brooklyn, who I respect absolutely and have dealt with for a number of years now, had reservations about this project. This is a very, I'm saying important project, I'm not trying to say right, wrong, I'm saying it is a big project. The Mayor came to me

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

and said, if this project, if that is the opinion, we need backup opinion to make sure that we have done what we can on this. The only person I could choose on something like this would be a bond counsel. Now the bond counsel is a small fraternity of people, and I filtered out a number of bond counsel who I could not use; some because they represented the Port Authority, some because they had already been, in my opinion, tainted on this project. I found Mr. Young a person who I had no connection with, nor did the Mayor, nor did anybody on Council, to my knowledge. I was expecting an opinion to be in line with what the previous opinion was. The opinion was not at all in line with what the previous opinion was. And I want to say this, that happens. That is not unusual in the world of law. That's why you have dispute resolutions. That is in general, when I look at any issue that comes up, I say, this is the way it looks, this is what direction I think you should go. On this one, what I have done, I have reviewed the work of Mr. Young, and I have found it to be of sound logic all the way through. If I believed that this is something that should not, that there are red flags, and I'm saying don't do it, that means I would not allow that to come up here. With that being said, that does not mean that there are guarantees in life. And I think Mr. Young has explained why this is a grey area. My main reason for being up here is I wanted to explain why there is an alternate bond counsel, because the viewing audience, when you see Mr. Young, I wanted to make this representative at that point."

President Balbier: "Thank you Mr. Shaper. Next is the Recreation Department, Mr. Hammond."

Mr. Hammond: "Oh boy, I hate going last. Everything's in full swing at the Rec right now. We're incredibly busy. Learn to swim is up and running, baseball started, tons of people in and out of the building. I've spent quite a bit of time in the past couple months picking on some of the lifeguards, because they get to sit in a chair all day by a swimming pool and get paid. But Friday night we had an incident where a 13 year old girl needed to be rescued, and was rescued by Sean Barnard, one of our lifeguards. All our lifeguards did their job, responded quickly, and the girl was okay, and went home, maybe realizing that she needs to be a little more careful in the water. Saturday we had an incident, a 20 year old man needed to be rescued. Amanda Pukys, another one of our lifeguards, stepped up and did an outstanding job. Bottom line, I just want to congratulate our lifeguards and just let everyone we've got some really qualified people up there, and I'm going to stop picking on them about sitting around, because they really stepped up and did what they needed to do. Other than that, Family Fun Night, Magic Mike, Tuesday, June 20th at the Grande Pavilion. Does balloons and things like that for the kids. It's free, I urge everybody to come up and have a good time. That is all."

President Balbier: "Thank you Mr. Hammond. You're not last, you're second last. Mr. Hilberg, Safety Director."

Dir. Hilberg: "It's tough being last. Thank you Mr. Balbier. Chief Duchoslav talked a little bit about SERT with the rope rescue. I'm going to talk about SERT tonight. It's the Southwest Emergency Rescue Team, which is part of the Southwest Council of Governments. 19 communities are part of this, and at present Mayor Patton is the president of the Southwest Council of Governments. Now SERT is broken down into many different teams which include Water Rescue, Hazardous Materials, Fire Investigation, and Technical Rescue. Technical Rescue is broken down into smaller teams which include Trench Rescue, Confined Space Rescue, Rope Rescue, and Structural Collapse. Brooklyn has members on many of these teams, although we don't have one on the Water Rescue, but that's what I want to talk about tonight. You may have read about a gentleman celebrating his 46th birthday in the Flats, and he jumped in the Cuyahoga and tried to swim across. He didn't make it. Cleveland searched for him, and gave up after awhile because of underwater hazards. On May 24th members of the SERT team were scheduled to conduct training with the Coast Guard on a new handheld scan sonar unit that the SERT team received with grant money. The SERT team and the Coast Guard were about to start the training when the Coast Guard asked the SERT team if they had any objections to looking for this body. The SERT team agreed, and after the sonar was set up the body was found within seven minutes. This was no rescue, but it gave some closures to the families. The Southwest Council of Governments is the start of regionalization, and I believe it will be a great help to all the cities in the area. That concludes my report."

President Balbier: "Thank you Mr. Hilberg. That concludes the directors' reports. We now have some monthly reports, and first is from the Mayor's Court. Brooklyn Mayor's Court took in a total of \$49,317.94 for the month of May. Total monies paid out, \$7,830. A check was issued to the City of Brooklyn for \$41,487.94. Next is a report from the Rec Center, no I'm sorry, the Senior Center. Social programs and

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

receipts were \$3,215.67; charges and donations for service were \$2,559.62; for a total of \$5,775.29. The last is a report from the Recreation Department, and the total recreation activities brought in a total of \$58,295.24. That concludes the monthly reports. We've now reached the point of the Council meeting where the audience can come up and give any type of comment they want that pertains to the legislation on the agenda. And I see we have Mr. Young in the audience, and we have the developer for this program, for this senior thing. So if anybody wants to come up, now's the time to come up to address Council. I'm going to let Council ask you questions if you don't want to come up during the time that they..."

Mr. Young: "I don't have a statement, but I'd be happy to reply to any questions from the Council."

President Albier: "Okay. Mr. Rusnov, do you want to address the Council or...?"

Mr. Rusnov: "I'd be happy to respond to questions."

President Albier: "Okay."

Mayor Patton: "Rich, there's also a representative from the Port Authority right there too."

President Albier: "Okay, thank you. Does anyone else in the audience want to address Council on legislation? If not, we'll move on. The first one is **RESOLUTION 2005-5 (2006-5)**, the second reading, Adopting the Tax Budget for fiscal year 2007. And you know we had our public meeting before our regular Council meeting. So I need a motion to put this on second reading."

Councilwoman Pucci: "Move to put on second reading."

Councilwoman Brown: "Second."

Councilman G. Frey: "Second."

Clerk Fisk: "To place Resolution 2006-5 on second reading, Colleen Gallagher."

"Greg Frey."
"Craig Patton."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Patton: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "Next is **RESOLUTION 2006-7**. A Resolution declaring the necessity of levying and collecting special assessments for certain public improvements. I'm going to speak first on this issue. Council has met on this many times. We've talked about it at our Finance meetings, we've had a public meeting. We have a lot of information on this; however, the public doesn't have 1/10th of the information we do. And I like to always make sure that everybody in the city knows what's going on. So approximately a year ago, give or take, a developer came to the city and said he would like to develop the property at the end of Northcliff by I-480, across from the medical building. He'd like to build a facility and he referred to it as a Brooklyn Ridge Senior Housing Community. It would have assisted living, it would have senior living, it would have an Alzheimer section. And at the one meeting he presented his blueprints to us, and the blueprints showed a beautiful facility. I don't think anybody on Council or the administration would disagree, it was a first class facility. It seemed a little expensive to me, but they told us that's the going rate nowadays. But it was a beautiful facility. The only problem is, at that time I think it was \$29 million, now it's up to about 31 million, he had all of his finances in position except for one piece of the puzzle. And that piece of the puzzle would have to involve the City of Brooklyn. And the way it was explained to us, that in the State of Ohio, only a municipality can put assessments on property, that's why they needed the City of Brooklyn. So we were asked if we would pass legislation to assess the developer, just the developer. He would be the only person that would pay this assessment. The assessment would be for putting a road in around the development. So that would include the sewers, the water lines, the fire hydrants, the lights, paving it, the whole nine yards. And he would be the only one that the assessment would go to. Also

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

involved in this project would be the Cuyahoga County Port Authority. We would collect the assessment, the Port Authority would handle it all, the bonds and everything. And they said the city would not have to invest a dime, and the city would not be responsible for anything else. So the problem arises that our bond counsel that we usually use advised us that it has to be for a public service, if you're going to assess somebody, and they told us that this absolutely does not fit that category. So just like you, if you were going to get a major operation or something, and your doctor told you something, you would definitely go out and get a second opinion. So Mr. Shaper is an excellent lawyer, and he advised us, he said that's what we should do. So, and like Mr. Shaper had spoken before, this is a very small field, so it was hard for him to find somebody. Finally he found an excellent law firm, and Mr. Young, we've met him a few times, he appears to be an excellent attorney, he investigated this for us. And then he came back with his report, and he told us that in his opinion that yes, that we could do this. And I'll read a part from his report. It says, 'The developer of the property project will ground-lease the project to the city for four years. The city will sub-lease the public improvements that will be paid for by the proposed assessments to the Port Authority for 40 years; although the developer will be responsible for maintaining those public improvements during the term of this lease.' And this report's a few pages long. The last paragraph in his report, Mr. Young states his conclusion is based on the foregoing facts and legal authorities, 'We believe that the special assessments may be levied and collected by the city and assigned to the Port Authority as security for the proposed bonds in connection with the proposed project for the project purposes other than for construction of installment of electric or gas utilities.' So now we as Councilmen, we have on one side, we have an excellent law firm that's telling us no way can you do this; on the other hand we have another excellent law firm with good attorneys that are telling us, in our opinion yes you can do this. So now here we are, seven Councilmen, none of us that have a law degree, we're in this gray area. And we have to decide which way we're going to go. And I'm going to give my personal feelings on this. And I'm not trying to influence anybody on this Council, because I haven't been a Councilman as long as the Freys or Mrs. Brown, but this was probably the toughest decision I had to make. And I put a lot of thought into this, I read everything they gave us, and I didn't come to my conclusion until last night. As long as I've been here, to me public property went up to the sidewalk. From the sidewalk on became private property. And I can't get this thought out of my head. I don't think, no matter how we word this, I still think that's the way it is. And I'm afraid to vote for this, because I'm afraid that if something goes wrong the citizens of Brooklyn are going to be the ones that are going to have to pay for the mistake. And I'll give you a couple examples, and I've been told these are poor examples because it doesn't pertain to this, but I'm going to give them anyway. If anybody's familiar with Parma Hts., I'm sure there were seven Councilmen sitting up there when they wanted to build that shopping center at Pearl and 130th. And all of them thought this would be a great thing for the city, and they voted for it, thinking this is going to really help their city. And halfway down the line collapsed. And now the City of Parma Hts. has some financial responsibility with this. Even though they all thought this would be great for their city. And I know it's not the same set of circumstances as we have here, but I'm just showing this could happen. And the same thing in Eastlake. Years ago they decided to build a stadium for their minor league baseball team. And they all thought this was the greatest thing going, and it was going to really help their city, and it crumbled. And now they're stuck with some financial liability. I'm afraid that if we pass this, the same thing may be possible here. And I would love to see this go. And I wish the developer would come in with the whole thing financed in one piece, but it's not. He needs this part of it, and I just cannot vote for this. So that's my personal opinion. I'm not trying to influence another Councilman. It was a very, very tough decision to come to. And I'll open up the mic to any other Councilman that wants to speak. No one cares to speak?"

Councilman G. Frey: "Sure, I'll..."

President Balbier: "Mr. Frey."

Councilman G. Frey: "I'm going to support this project. And I have had serious reservations from day one. I have asked many questions about this. It is a very complex arrangement. I'm not sure I totally understand all of it. The part I am sure of is that the City of Brooklyn is not liable or responsible for the funds should this project make it or not make it. Okay? We will assess the property owner, we will give the money from the property owner to the Cleveland Port Authority, for the Cleveland Port Authority to pay off the bonds for the loan they've made to the property owner. I think that's how it works, right? Is that essentially how it works? Okay."

From audience: "Can I...?"

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

President Albier: "Yes ma'am. Just come up to the mic, though, so everybody can hear you. She's from the Cleveland Port Authority."

Port Authority Rep: "I think it's important that you all understand the process. The Port Authority works with..."

Councilwoman Brown: "Could you talk a little louder?"

Rep: "Sure. The Port Authority works with an investment banker. The investment banker works with several companies on Wall Street. They are the ones who purchase our bonds. It is the sales proceeds from the purchase of the bonds that will fund the transaction. So the Port Authority is not liable, and neither is the City of Euclid."

Councilman G. Frey: "Brooklyn."

Mayor Patton: "Brooklyn."

President Albier: "Brooklyn."

Rep: "The ones who are at risk here..."

President Albier: "Brooklyn."

Rep: "I'm sorry, of Brooklyn. My apologies. The only risk would be to the investment banker who purchased the bonds and the developer. We have a primary bond reserve in place that is equal to the annual debt service on the project. Should this project tank, we're going to go after the developer. So there will be no liability to the City of Brooklyn or the Port Authority, because we function as a conduit, as a pass-thru, because the loan is actually being made to the Port Authority from the investment banker. We are their agent. We are going to administer funds, and it is up to the Port Authority to collect the funds. So therefore, it's not like at the bank, a Key Bank, where you have a pot of money. You come in, you apply for a loan, we cut you a check. The Port Authority doesn't have a pot of money. We work with investment bankers who go to Wall Street and put these transactions on the market. The bond purchaser will buy the bonds and hold the bonds. And from that those bond proceeds will finance the special assessments, the public improvements, that are associated with the Brooklyn Ridge Project. So I think it's important that you understand that process; because it's not like going to Key Bank where you have a direct loan with the developer. The one who is at risk here is the one who purchases the bonds and the developer."

Councilwoman Pucci: "Mr. Albier, may I ask her a question while she's up there?"

President Albier: "Certain, Mrs. Pucci."

Councilwoman Pucci: "So are you saying that the special assessment is not used as security for the debt?"

Rep: "We have a primary bond reserve in place..."

Councilwoman Pucci: "No, I understand that."

Rep: "And if that bond reserve should become short..."

Councilwoman Pucci: "But the special assessments..."

Rep: "...then we would look to the special assessments to cover that shortfall."

Councilwoman Pucci: "Okay. Thank you."

Director Shaper: "Did you say your name? I didn't know if you stated your name."

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

Yvette Mosby: "Oh, I'm sorry, I'm Yvette Mosby with the Cleveland Cuyahoga County Port Authority, and representing Linda Heismith Poole, who was at the meeting a couple months ago. Miss Heismith Pool is on vacation, and so in her absence I'm functioning in her capacity as well as mine."

President Albier: "Thank you. Does anyone have any questions? Craig?"

Councilwoman Pucci: "I don't think Greg was finished."

Councilman G. Frey: "Can I continue?"

President Albier: "Oh, I'm sorry."

Councilman G. Frey: "Just for a minute. I very much appreciate what Mr. Albier said about the footprint of the property and the public use, and going up to the sidewalks. You know, that makes a lot of sense to me. However, in the process of going through this, there are more than one example of a public purpose. And that has been defined that it is a rather loosely defined public purpose, okay. It can encompass a lot of things. And I think maybe Mr. Young can comment on that when he cares to. A public purpose can be served within the footprint of the property. And that's the issue that we're talking about here. It's the public purpose and whether or not what we're being asked to do fits in with the Ohio Revised Code's definition of what is a public purpose, correct?"

Daniel Young: "Yes. I can respond."

Councilman G. Frey: "Please. Thank you ma'am."

Mr. Young: "Hello, I'm Daniel Young with Thompson Hine, the bond counsel that was hired to give the second opinion on this transaction. The actual, the issue that we were really focusing on, that's the crux of the, I think the crux of the legal debate here, is whether or not the proposed improvements were to constitute a road, water, sewer, just as Council President Albier said, would be a public improvement under Ohio law. There is, there'd be no need for a second opinion if there was clear Ohio law on the point. I was asked to research that, and by looking at analogous situations, in particular how they've defined public improvement in other areas of Ohio law, such as the Ohio Prevailing Wage law, concluded that this project did fit in because it met really a three-part test that both the courts and the Attorney General have used in other context. And that is, whether or not there is a public financing aspect of it. In other words, a public body is involved in the financing. That exists here, assuming the city were to finance it; and then the Port Authority's involvement would constitute public financing. Whether or not the city had, what the law calls a possessory and ownership interest in the property, that would be accomplished through the 40 year ground-lease structure; and then whether or not there's a public purpose. Whether this city will be better off, whether the city's benefited by the project. And that is where there's a very, very loose standard. I mean, it's really a subjective standard of whether or not this will provide, you know, economic benefit is one thing you could look at. You could also look at services to the citizens. You could look at future benefits to residents of that facility. And so that's the basis of reviewing those three points. Again, in another context, we, my law firm, concluded that the project was a public improvement, and we were comfortable in this case supporting that conclusion and going forward and advising the city of that conclusion. So..."

Councilman G. Frey: "As you can see, this is a very complex issue. Every member of this Council has struggled mightily with it. I have sat in meetings with Mrs. Pucci, I've sat in meetings with the entire Council. And we've gone back and forth over the nuances of the agreement, and how many angels can you get on the head of a pin. And we've been back and forth over it. So what it comes down to is, each member of Council is going to make an individual decision on the merits of this project as we understand it, okay. I am, as I said at the beginning, I'm going to vote for this project. There has been, over the last number of years, a great number of people that really like living in Brooklyn, okay, that really enjoy their life here. They enjoy the shopping, they enjoy their neighbors, they enjoy their churches, they enjoy their lifestyle here in Brooklyn. Contrary to what we sometimes hear, there are a lot of people that live here that like living here. They are no longer in a position where they can maintain their properties. They need help. They need help with maintenance of their homes, they need help with maintenance of their properties, they need help

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

maybe with cooking and cleaning, and those kinds of things. An assisted living facility, such as envisioned here, would allow those residents, and others that might come, to stay in Brooklyn; to stay in their churches, to stay in the city they know, to stay where their families are, with out having the burdens of the home, the maintenance, and the other door to door, day to day chores that we do automatically, that cause a lot of problems for some elderly seniors, okay. Handicap accessibility and all those kinds of things. So we have a need. I think we all agree that we have a need. We all agree that we'd love to see a project like this. We are having some difficulty over the nuances of this particular project, and that's what you're hearing expressed here tonight. Thank you Mr. Albier, I'm sorry I took so long."

Councilman J. Frey: "Mr. Albier..."

President Albier: "Yes Mr. Frey."

Councilman J. Frey: "May I speak?"

President Albier: "Yes you may."

Councilman J. Frey: "Gregory, I think I'm a victim of some of those things you just said. You better start pulling more often, okay?"

Councilman G. Frey: "I have your application."

Councilman J. Frey: "I thoroughly support this. I have for years. There are many people I know that keep asking about when this is going to happen, because this has been on the drawing boards for about 10 years now. And people in Brooklyn are growing old, and they don't want to leave the city, but they have nothing else to do but go someplace else for an assisted living facility. And I support this completely. I know there's always a chance of this, that or the other thing. It's unfair to compare this with what happened in Middleburg Hts. In Middleburg Hts. people bought those bonds. I know, because my son-in-law and his family spent a few thousand dollars, a few hundred thousand dollars, buying those bonds. And those bonds paid 18-20% return to those people for a few years, and then all of a sudden they were in default, and that 18 and 20% interest was like a pyramid scheme. So the comparison to what happened in Middleburg Hts. has nothing like this. I think all of us have read in the papers recently all of the projects that the Port Authority are involved in, and they're always involved in something to improve an area. It's not a, certainly, risk to anything. You risk as soon as you walk up in this Council meeting. Somebody might be upset and do what they did out in Nevada today, they shot a judge. Anybody had the news on? A judge got shot in Nevada. He must have put somebody in jail and the guy didn't like it. In any event, yes, I support this completely, and I have from the beginning."

Director Shaper: "John..."

Councilman J. Frey: "Yes."

Director Shaper: "You mean Middleburg Hts. or Parma Hts.?"

Councilman J. Frey: "Well, the Parma Hts. that's got that Schneider development? Well that's the one I mean, yes."

Director Shaper: "Okay."

Councilman J. Frey: "Those people were left holding the bag. But they were private investors. And they bought the bonds and for high interest return. I pass."

President Albier: "Thank you John. Let's try not to make those comments about shooting the judge. Yes Mrs. Pucci."

Councilwoman Pucci: "First, I think we really need to reiterate that this is not a vote on whether we want senior housing or not, because we all want senior housing, and we all recognize the fact that we have

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

residents who are interested in senior housing. This is a vote on whether or not the city's going to participate in this project in the manner in which we're being asked. And also, I think it's good to point out, this is totally separate from the topic of the Port Authority bonds being issued to construct the building. Am I correct in that statement Mr. Young? We're looking at the, it's about \$7 million in what's being termed a public improvement."

Mr. Young: "Yeah, they're..."

Councilwoman Pucci: "We're not making any decision of the construction of the actual facility."

Mr. Young: "Yeah, the Port Authority's only involvement in the transaction would be for what we're calling the infrastructure improvements."

Councilwoman Pucci: "Right."

Mr. Young: "And the actual building will be constructed by a conventional construction loan with a private bank, or the senior housing facilities, not through the Port."

Councilwoman Pucci: "The Port Authority's not involved in that?"

Mr. Young: "No, they were at the initial stages, but they are no longer, that's going to be done through a conventional loan."

Councilwoman Pucci: "Okay, I wasn't aware of that. Also, this, for me, was also a difficult decision, and I just want everybody to know that I took this very seriously. I attended every meeting, I've read every document we've been given, plus more, I met with our bond counsel, and Mr. Greg Frey and I had a very lengthy discussion with her. There is a different position, and it wasn't just her, it was also reviewed by the partners, both in Cleveland and Columbus. Since that meeting I've also had two telephone conversations with her, I've spoken with a Finance Director in a community that participated in a project that was financed with Port Authority bonds, of course, we've heard from Mr. Young on several occasions, and I have listened to everything that each person involved has had to say. I cannot in good conscience support what we're being asked to do. As it's already been stated, there is no black and white in this area. It is a gray area. There's no specific court case and no direct guidance in this area. Basically there's a disagreement in the legal analysis. From the beginning I've had a problem with this being called a public improvement. We're talking about one property owner, one piece of property, up to the footprint of the building. In my mind that's not public property, it's private property. And in these documents we're making a representation that it's public. There is no public street. A public street is a dedicated street that's owned and maintained by a city. We already put the public street in when we extended Northcliff Avenue when Ridge Park Square was ~~one~~ built. The public utilities are not in the public right-of-way, they're on private property. I also don't like the fact that the city would be ground-leasing this land. Normally it's preferable to try and *not* being in the chain of title. The more outside the project you are, usually you're better protected from risk. And Mr. Rusnov, I know that this is not the decision you want from me, but as I stated, this was a very tough decision, and my job was to look at everything we had available to us, and to make a decision based on what I felt was best for our entire community. And, you know, as I said before, we all want senior housing, it's just I can't support what we're being asked to do. Thank you Mr. Albier."

President Albier: "Mrs. Gallagher."

Councilwoman Gallagher: "Thank you Mr. Albier. I think Rich and Kathy summed it up in a nutshell, and I also believe that it is not a public improvement. Our bond counsel, Pam Hanover, has been with the city a long time, and as far as I'm concerned, her word is gold. So tonight I'm going to vote no on this too."

President Albier: "Mrs. Brown."

Councilwoman Brown: "I would like to hear what our Mayor has to say."

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

Mayor Patton: "Many people in Brooklyn are looking for this type of development. This is the first time it actually came to Council in the last many years. The Port Authority is involved. I am for this project. I believe the benefits outweigh the risk. And I think we followed as much proper procedure as is out there, obtaining a second opinion. And that's the way of the law. And I will respect Council's vote on this. But, unfortunately, it is an opportunity for our citizens to benefit, and I think that has to be taken into consideration."

Councilwoman Brown: "Thank you Mayor. I have one more question for Mr. Fisk. Mr. Fisk, are you comfortable with this?"

Director Fisk: "Yes I am."

Councilwoman Brown: "Thank you."

President Albier: "Does anyone else care to speak? Mr. Patton."

Councilman Patton: "I respect everyone's opinion on this Council. I think everybody, you know, has their own opinion, and that's what this is all about. But my personal opinion is, I also, I've read the information, I've listened to the speeches, I've done some investigating of my own, not only looking into matters such that are similar situations in other cities, but by asking residents. Someone that grows up in the city that's born and raised, I don't think it's fair to have them leave, you know, towards, you know, the end of their... I mean, just to put it, of their life..."

Mayor Patton: "Elderly years."

Councilman Patton: "...elderly people. It's not for our seniors, it's not fair. It's not fair to have them leave Brooklyn. They love Brooklyn. This is where they've lived their whole lives. They've raised their family. This is something that I think I'm for. I think it needs to happen. And I think it's not just about taking the risk, but we're doing it for our residents. I think it's something they want, and I think it's something that I'm going to vote for."

President Albier: "Thank you Mr. Patton."

Councilman Patton: "Sorry about the comments, I apologize. I'm new at this."

President Albier: "Anyone else? Mr. Fisk, would you call for a vote?"

Councilwoman Pucci: "Don't we need a motion?"

President Albier: "We need a motion first, I'm sorry."

Councilwoman Pucci: "What is the motion going to be? Is it first reading or suspend the rules? I don't know."

President Albier: "Let's vote on suspend the rules. Could I have a motion to suspend the rules?"

Councilman G. Frey: "Move to suspend the rules."

Councilman Patton: "Second."

Councilwoman Brown: "Second."

Clerk Fisk: "To suspend the rules on Resolution 2006-7, Colleen Gallagher."

"Greg Frey."
"Craig Patton."
"John Frey."

Councilwoman Gallagher: "No."
Councilman G. Frey: "Yes."
Councilman Patton: "Yea."
Councilman J. Frey: "Yea."

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

Councilman G. Frey: "Motion to adopt."

Councilman Patton: "Second."

Clerk Fisk: "To adopt Resolution 2006-7, Colleen Gallagher."
"Greg Frey."
"Craig Patton."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "No."
Councilman G. Frey: "Yes."
Councilman Patton: "Yes."
Councilman J. Frey: "Yes."
Councilman Albier: "No."
Councilwoman Pucci: "No."
Councilwoman Brown: "Yea."

President Albier: "Okay, the motion carries 4-3. **RESOLUTION 2006-8.** A Resolution on youth sports in Ohio."

Councilwoman Pucci: "Introduced by all, suspend the rules."

Councilman Patton: "Second."

Councilwoman Pucci: "May I be recognized Mr. Albier?"

President Albier: "Yes Mrs. Pucci."

Councilwoman Pucci: "I had a conversation with Mr. Hammond earlier today. My concern was, I wanted to clarify that we were not adopting all the rules and recommendations set forth in this, the document that's referenced. And also, in the sixth Whereas, at the end where it says, 'Before being granted, permits to use our facilities...', I had a concern on that, that, you know, how are we going to determine, you know, who's going to get a permit, who isn't, and I didn't think that that was a place we wanted to go, because I think we also elevate our risk involved there. And Mr. Hammond indicated that he would agree to take out just that last section. So if we do amend it, the sentence would end after 'environment'. So we would strike '...before being granted permits to use facilities...' So I don't know Mr. Shaper, you know, I don't think you'll have a problem with this. And of course, if anyone has an opinion contrary, I'd be interested to hear it."

Director Shaper: "I do not have a problem."

Councilwoman Pucci: "Okay."

Councilwoman Pucci: "So if no one has any objection, I'll move that we amend it by striking the last portion of that sentence that I just referenced."

Councilman G. Frey: "I'll second that."

President Albier: "Do you want to make a motion as amended?"

Councilwoman Pucci: "I did. Well, I made a motion to amend it and Greg seconded it, so now we're going to vote on amending it."

Clerk Fisk: "To amend Resolution 2006-8, as just stated by Mrs. Pucci, Colleen Gallagher."
"Greg Frey."
"Craig Patton."
"John Frey."
"Rich Albier."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Patton: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

"Kathy Pucci."
"Rita Brown."

Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

Councilwoman Pucci: "Introduced by all, suspend the rules, as amended."

Councilman G. Frey: "Second."

Clerk Fisk: "To suspend the rules on Resolution 2006-8, as amended, Colleen Gallagher."

"Greg Frey."
"Craig Patton."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Patton: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "To adopt Resolution 2006-8, as amended, Colleen Gallagher."

"Greg Frey."
"Craig Patton."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Patton: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "**ORDINANCE 2006-37**. Amending Chapter 737 of the Codified Ordinances of the City of Brooklyn, Ohio entitled 'Solicitors and Peddlers'."

Councilwoman Gallagher: "Move to put on second reading."

Councilwoman Pucci: "Second."

Councilman Patton: "Second."

Clerk Fisk: "To place Ordinance 2006-37 on second reading, Colleen Gallagher."

"Greg Frey."
"Craig Patton."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Patton: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "**ORDINANCE 2006-38**. Creating a new Chapter 763 entitled 'Public Dance Halls; Teen Dance Clubs' of the City of Brooklyn Codified Ordinances in order to regular dance halls and teen dances."

Councilwoman Pucci: "Move to put on second reading."

Councilman Patton: "Second."

Clerk Fisk: "To place Ordinance 2006-38 on second reading, Colleen Gallagher."

"Greg Frey."
"Craig Patton."
"John Frey."
"Rich Albier."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Patton: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

"Kathy Pucci."
"Rita Brown."

Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "**ORDINANCE 2006-40**. Authorizing the Mayor of the City of Brooklyn to pay an incentive to employees able to opt-out plan of medical coverage under the city's medical plan."

Councilwoman Pucci: "Move to put on second reading."

Councilman Patton: "Second."

Clerk Fisk: "To place Ordinance 2006-40 on second reading, Colleen Gallagher."

"Greg Frey."
"Craig Patton."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Patton: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

President Albier: "An Ordinance authorizing the Mayor of the City of Brooklyn, Ohio to enter into a contract with the Northern Ohio Patrolmen's Benevolent Association, the Jailer's Unit."

Councilwoman Pucci: "Introduced by all, suspend the rules."

Councilman Patton: "Second."

Clerk Fisk: "There was an amendment on the contract, and we need to..."

Councilwoman Pucci: "Oh, we need to amend?"

President Albier: "Yes."

Councilwoman Pucci: "It was on page 16."

Clerk Fisk: "2005 is what we changed."

Councilwoman Pucci: "Yeah, to strike 2005 and insert 2008."

President Albier: "In Section 3."

Councilwoman Pucci: "In Section 3."

President Albier: "On page 16."

Councilwoman Pucci: "Move to amend."

Councilman Patton: "Second."

Clerk Fisk: "To amend Ordinance 2006-42, Colleen Gallagher." Councilwoman Gallagher: "Yea."

"Greg Frey."
"Craig Patton."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilman G. Frey: "Yea."
Councilman Patton: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

Councilman J. Frey: "Move to adopt."

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

Councilwoman Pucci: "Introduced by all, suspend the rules, as amended."

Councilman Patton: "Second."

Clerk Fisk: "To suspend the rules on Ordinance 2006-42, as amended, Colleen Gallagher."

"Greg Frey."

"Craig Patton."

"John Frey."

"Rich Albier."

"Kathy Pucci."

"Rita Brown."

Councilwoman Gallagher: "No."

Councilman G. Frey: "Yea."

Councilman Patton: "Yea."

Councilman J. Frey: "Yea."

Councilman Albier: "Yea."

Councilwoman Pucci: "Yea."

Councilwoman Brown: "Yea."

Councilwoman Gallagher: "I'm sorry..."

President Albier: "Wait, wait a minute. Mrs. Gallagher."

Councilwoman Gallagher: "I'm sorry, my vote was yes. I'm sorry, I had the wrong one."

Clerk Fisk: "Okay. Thank you. To adopt Ordinance 2006-42, as amended, Colleen Gallagher."

"Greg Frey."

"Craig Patton."

"John Frey."

"Rich Albier."

"Kathy Pucci."

"Rita Brown."

Councilwoman Gallagher: "Yea."

Councilman G. Frey: "Yea."

Councilman Patton: "Yea."

Councilman J. Frey: "Yea."

Councilman Albier: "Yea."

Councilwoman Pucci: "Yea."

Councilwoman Brown: "Yea."

President Albier: "The next three ordinances pertain to the senior complex. An Ordinance to proceed with certain public improvements. **2006-43.**"

Councilman G. Frey: "Introduced by all, suspend the rules."

Councilman Patton: "Second."

Councilwoman Pucci: "I don't want my name on it."

Councilwoman Gallagher: "Me neither."

Councilman G. Frey: "Well I move to approve it."

Councilman J. Frey: "Move to approve."

Councilman Patton: "Second."

Councilwoman Brown: "You need a second?"

President Albier: "It is seconded."

Councilwoman Brown: "Second."

President Albier: "First reading Greg, or are you making a motion to suspend the rules?"

Councilman G. Frey: "I'll make a motion to put it on first reading."

Councilwoman Brown: "Second."

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

President Albier: "Okay."

Clerk Fisk: "To place Ordinance 2006-43 on first reading, Colleen Gallagher."

"Greg Frey."	Councilwoman Gallagher: "No."
"Craig Patton."	Councilman G. Frey: "Yea."
"John Frey."	Councilman Patton: "Yea."
"Rich Albier."	Councilman J. Frey: "Yea."
"Kathy Pucci."	Councilman Albier: "No."
"Rita Brown."	Councilwoman Pucci: "No."
	Councilwoman Brown: "Yea."

President Albier: "**ORDINANCE 2006-44.** An Ordinance to levy and collect special assessments for certain public improvements. Do I have a motion to put on first reading?"

Councilman Patton: "Motion to put it on first reading."

Councilwoman Brown: "Second."

Clerk Fisk: "To place Ordinance 2006-44 on first reading, Colleen Gallagher."

"Greg Frey."	Councilwoman Gallagher: "No."
"Craig Patton."	Councilman G. Frey: "Yea."
"John Frey."	Councilman Patton: "Yea."
"Rich Albier."	Councilman J. Frey: "Yea."
"Kathy Pucci."	Councilman Albier: "No."
"Rita Brown."	Councilwoman Pucci: "No."
	Councilwoman Brown: "Yea."

President Albier: "**ORDINANCE 2006-45.** An Ordinance authorizing the execution and delivery of a cooperative agreement; public improvement management and maintenance agreement; ground lease; sub-lease; bond purchase agreement; and certain other agreements and documents in connection with the foregoing; and authorizing the approving related matters."

Councilman Patton: "Move to put on first reading."

Councilwoman Brown: "Second."

Clerk Fisk: "To place Ordinance 2006-45 on first reading, Colleen Gallagher."

"Greg Frey."	Councilwoman Gallagher: "No."
"Craig Patton."	Councilman G. Frey: "Yea."
"John Frey."	Councilman Patton: "Yea."
"Rich Albier."	Councilman J. Frey: "Yea."
"Kathy Pucci."	Councilman Albier: "No."
"Rita Brown."	Councilwoman Pucci: "No."
	Councilwoman Brown: "Yea."

President Albier: "Does any Councilperson or the Mayor have anything else they wish to bring before Council tonight?"

Councilman J. Frey: "I move we adjourn."

Councilwoman Pucci: "Move to adjourn."

Councilman Patton: "Second."

Councilwoman Brown: "Second."

MINUTES OF A REGULAR MEETING
BROOKLYN CITY COUNCIL
June 12, 2006

Clerk Fisk: "To adjourn, Colleen Gallagher."
"Greg Frey."
"Craig Patton."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."

Councilwoman Gallagher: "Yea."
Councilman G. Frey: "Yea."
Councilman Patton: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."

Meeting adjourned at 9:48 p.m.

Clerk of Council

M A Y O R